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THE DYNAMICS OF MULTI-AGENCY WORKING IN THE FINAL WARNING SCHEME IN THE NORTH EAST OF ENGLAND

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A thesis submitted in partial fulfilment of the requirements of Northumbria
University at Newcastle for the award of Doctor of Philosophy

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Abstract

This thesis arose from an interest in examining from a critical micro sociological perspective the practice and procedure of a Youth Justice reform implemented at the beginning of a New Labour administration. Preventing youth crime at its early onset had been a key agenda for New Labour since their election to government in 1997. Their flagship Crime and Disorder Act 1998 brought about a raft of orders with young people that included the replacement of the juvenile caution with the Final Warning scheme that was meant to be at the cutting edge of multi-agency working in youth crime control. Engineered to send messages to young people that they could no longer go on offending with impunity it was anticipated that more uniformity and structure to diversion would not only 'nip crime in the bud' but also reduce professional discretion and promote greater conformity in practitioners working on the ground.

To date Final Warnings have received only limited attention from academics and remain theoretically under developed and in need of greater critical scrutiny. That research which exists has highlighted the tensions between New Labour's expectations set against the reality of operational Final Warning practice on the ground. Missing is the nature and causes of these tensions, how they arise and why.

Using a combination of in depth semi structured interviews and observational data with police inspectors responsible for administering Final Warnings, YOT officers who delivered early intervention and young people who received a Final Warning this thesis examines the basis for New Labour's policy with young offenders and explores how the

participants interpreted the reform and the ways in which this informed their actions. Enabling an understanding of the Final Warning from the vantage point of all who participate in the initiative may go some way towards the development of best practice in ‘joined up thinking’ in youth justice.

It is the argument of this thesis that local organizational culture and practice can inhibit government aspirations for reform. The Final Warning in the study area continued to exhibit many of the problems of the previous caution system with juveniles but within a more prescribed system that can disadvantage young people. The conclusion suggests reform in youth justice is unlikely to succeed without paying greater attention to local dynamics and the transformational tendencies at the ground level.

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And finally acknowledgement is owed to the three men in my life. To Andy for his constant encouragement and to Jordi and Zach for putting up with me throughout the years I have been working on my thesis.

Dedication

This thesis is dedicated to my late parents Pamela Jean Gardner-Keightley and Dennis
Gardner-Keightley.

Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work.

Name: Lynn Keightley-Smith

Signature:

Date: 19.10.09

Introduction

Background

This thesis is about a youth justice reform at the turn of the new millennium. Tackling youth crime has been a central strand in New Labour policy since their election to government in 1997¹. As part of a range of targeted interventions to ‘nip crime in the bud’ (Straw and Michael 1996) their flagship Crime and Disorder Act 1998 supplanted the existing youth justice system with a new structure involving local multi-agency Youth Offending Teams (hereinafter YOTs) to provide an holistic response to young offenders. Central to the reform was the controversial agenda that set out to change the system of juvenile cautions that had traditionally been used as a successful mechanism in diverting young people from the stigma of the court (Holdaway and Desbrough 2004). The concern expressed by the then Home Secretary Jack Straw and the Audit Commission 1996 was that by repeatedly cautioning young offenders the police and the youth justice system were failing to send messages to young offenders that they can no longer carry on offending with impunity. New Labour’s response was to orchestrate a structural change to replace the system of cautions for juveniles diversion through a two staged Reprimand and Final Warning scheme (hereinafter FW). At the FW stage the YOT provide a programme of intervention with the aim to prevent further offending and brings about the possibility of prosecution for the young offender should a further offence materialise.

Designed as collaboration between the police and the YOT, the FW leaves the responsibility for the legal administration of the FW with the police and intervention afterwards with the YOT providing they find it appropriate to do so. On the whole the

¹ Since May 2010 the UK has been governed by a Conservative/ Liberal Democrat Coalition. They have yet to announce their policy with young people or for youth justice

reform reflected the change in emphasis towards multi-agency working with young offenders and the messages from research that suggest intervention early in life offers the best expectation for reducing youth crime (Utting 1996; Farrington 1996; Allen 1999).

The FW targets young offenders who have previously received a reprimand for a first offence or, if the offence is deemed serious enough it can be given for a first offence. The criterion is that the police firstly have sufficient evidence against the young person to pursue with a court case and the young person admits to having committed the offence. The New labour intention is to deflect young people from the criminal justice system and redirect them away from crime towards responsible citizenship. This thesis critically examines the development and operation of one such initiative set against the governments stated intentions.

Contribution to Knowledge

The FW claims to offer a more prescriptive approach to diversion and is the first point of entry into the statutory new youth justice system. It was implemented despite that it lacks in depth investigation, critical enquiry and theoretical debate. All of which question the FWs legitimacy and render its sources of authority under explored (Bateman 2002; Dingwall and Koffman 2006; Hine 2007; Keightley-Smith and Francis 2007).

In an attempt to fill this void and make an original contribution to knowledge this thesis examines the implementation and operation of the entire FW procedure in one location in the north east of England. Set against New Labours expectation of reform in youth justice the thesis aligns with Christie's (1993) thinking that criminologists should concentrate on exposing the problems of criminal justice, Brown's (2005) view that voices should be

given to young people and Pitts's (2002) acknowledgment that public servants should be subject to critical scrutiny, the ways in which both professionals and young people understood the FW and the decisions they made as participants in the initiative are critiqued from a number of perspectives.

Overall the study encapsulates the challenges the FW brought to police inspectors and youth justice workers operating within a more formalised environment and young people in an official criminal justice setting. A study of this kind can contribute to the literature on a number of fronts. In terms of young people, by exploring how they worked together with criminal justice agents and took responsibility for their actions adds to the growing qualitative interest in criminology that recognises the importance of young people as decision makers and their experiences in a criminal justice setting (Brown 2005; Hazel et al 2002; Hine 2007; Francis 2007; Smith 2001; Sparks et al 2000; Stephens and Squires 2004; Muncie 2004; Pitts 2003; Bateman and Pitts 2005; Pitts and Porteous 2005; Pitts 2008; Keightley-Smith and Francis 2007). From a police perspective the decisions inspectors made in FWs and how they understood the reform and administered the FW offers one of the first contributions of its kind. Likewise the ways in which social workers reacted to working within a penal environment of statutory early intervention adds to the literature on multi-agency working in crime control in the new millennium.

The study adopts a critical qualitative methodology to problematise, capture and depict a wide range of behaviours, interactions and variations in the FW procedure. The fieldwork was undertaken in a north east metropolitan city between July 2001 and March 2002. Interviews took place with twenty young offenders who had received a FW and had

participated in a programme of early intervention afterwards. Fifteen police inspectors responsible for administering FWs were interviewed as were the three YOT staff accountable for the management of the YOT and the design and delivery of intervention. Observations of six FW surgeries in three police basic command units (hereinafter BCUs) were carried out, as were observations of six YOT Home Risk Assessments (hereinafter HRA). Informal conversations took place with young people and often their parents outside of FW surgeries and during HRAs. Two days shadowing the police allowed insight into the entire FW procedure that incorporates an observation of a young person's arrest and formal police interview at the station. Documentary analysis (Silverman 2005; Lofland and Lofland 1995) was used to triangulate the methods (Denzin 1970) and add validity to the findings.

Structure of Thesis

In order to embed the Final Warning within its historical and political context the first two chapters review the socio-political context of youth justice and police caution practice respectively. In drawing upon the 'importance of historical memory in understanding the present' (Goldson xi: 2006) Chapter one centres on the history of youth justice from the late nineteenth century to the implementation of New Labour's Crime and Disorder Act 1998. The chapter begins with a description of the key policy developments throughout the last century that produced the welfare/ justice dichotomy, a characteristic of much of youth justice practice up until the late 1970s. The influence of corporatist perspectives in the 1980s and managerialist approaches in the 1990s widened the youth justice debate with the call to engineer fiscal cuts, curb professional discretion and the provision of multi-agency working to address all facets of youth crime. Some

conceptual themes regarding how the change to a new youth justice at the turn of the new millennium can be understood are developed.

Chapter two turns to the policing aspect of the FW to develop an understanding of the nature of diversion and police decision making with juveniles. Traditionally the police have used the police caution as a way of avoiding the court and the ways in which these have been applied is central to understanding the police role in FWs in terms of how inspectors in this study made sense of the reform and how they operated the procedure. The chapter thus begins with an overview of police discretion and draws on police caution studies to highlight the numerous differences in practice that has been found across and within police force areas. Following on, the Home Office Circulars and key pieces of legislation that have attempted to generate greater uniformity in caution practice are examined and then the academic and policy research into FWs is discussed. The chapter concludes with the suggestion that the reform may have left sufficient leeway in interpretation for officers to repeat the irregularities that was a feature of the previous caution system.

Chapter three describes the implementation of the FW in one locality in the north east of England. Beginning with a socio demographic profile of the research area, the strategies for crime control in the city are outlined that includes the arrangements for partnership working between the local authority and the police as laid down by the New Labour government. Before the chapter turns to the implementation of the FW, a previous partnership arrangement between youth justice and the police in the form of a Focus Caution Scheme (hereinafter FCS) is described and some of the concerns that arose are

detailed to shed light on the ‘organisational history’ that was to underpin the transition from the FCS to the FW (Keightley-Smith 2001). The chapter concludes by raising some concerns regarding the strategy for statutory early intervention in the research area that is returned to in chapter seven.

Chapter four describes the methodology that was adopted for the study. To begin the origins of the study are described and the methods used to carry it out are justified. Some of the ethical and methodological concerns encountered whilst undertaking the study are discussed and reflections on the research fieldwork are considered. How the data was collected and the ways in which it was analysed are explained before suggesting how the findings should be understood.

Chapter five is the first of the three findings chapters. It reveals police inspectors understanding of the FW within the context of policy expectations and considers how far the reform overcomes the problems raised in the previous juvenile caution. Through interview data inspectors reveal their experiences of diverting young people from the court and observational data exposes their individual styles and approaches when administering FWs. The conclusion raises some themes that are discussed in chapter seven.

Chapter six examines how young people understood and experienced the FW within the milieu of accepting responsibility for their behaviour. How they interacted with the police, the ways in which they confessed to their crime and their rationale for participating in early intervention is investigated. The conclusion questions whether legislation is the

best vehicle to promote responsibility in young people and curb their offending behaviour.

Chapter seven examines the procedure for early intervention and the challenges faced by Final Warning Officers (hereinafter FWOs) coping with a new youth justice culture. Revealed is FWOs concerns regarding the imposition of intervention ‘across the board’ and the tensions surrounding their professional cultural identity. The conclusion supports that FWOs and the YOT manager rather than adapt to new methods of working resisted government recommendations and continued with their inclinations to employ social work approaches to young people and their families.

Chapter eight distils and develops some critical themes that have arisen in the thesis and offers a way of theorising the FW within the broader cultural and structural context. The chapter suggests that despite the best intentions, the value of government legislation in promoting responsibility in young people and those practitioners working ‘on the ground’ is mooted as an enduring conformity to participants traditional values and practices continued. In this sense the police, FWOs and young people ‘played out’ the initiative often in ways that offers at least a challenge to the claims made by the Youth Justice Board.

Chapter nine concludes the thesis within the context of what can be learned from the FW in one area in the north east of England. Argued is that local dynamics revealed through the interrelationship between the police, the youth offender team and young people and

how they each in turn interpret the initiative is critical to the ways in which it operates.

Some areas for further research are discussed.

CHAPTER ONE THE YOUTH JUSTICE CONTEXT OF THE FINAL WARNING

Introduction

An aim of this thesis is to develop a critical understanding of the FW reform set against New Labour's intention of promoting responsibility in young people and 'those that work with them' (Straw 1996), or rather those professionals involved with youth justice such as police officers and YOT workers. In order to contextualise the study the first two chapters are given to an historical review of the youth justice system and the nature of police practice with young offenders. Commencing with the youth justice aspect of the reform this chapter has three aims. Firstly, to examine the history of youth justice and the major developments in policy and legislation that has underpinned its practice up until the late nineteen nineties. Secondly, to explore how the change in governance in crime control came about at the end of the last century. Thirdly to develop some conceptual themes regarding how new youth justice might be understood.

The chapter takes the following structure. To begin a brief history of youth justice from the late nineteenth to the mid twentieth century is given. This captures the key policy developments with young offenders that were largely dependent upon whether welfare or justice approaches formed 'the thinking of the day'. Following on, the influence of corporatist and managerialist perspectives on youth justice policy is examined to highlight the move away from the welfare/justice dichotomy towards multi-agency

working in the late 1980s to 1990s. Finally the chapter examines the implementation of the Crime and Disorder Act 1998 that established the FW reform as part of a new youth justice. In pointing to a broader comprehension of the change in how we deal with young offenders in the 21st century, the chapter concludes by arguing that risk and responsibility have taken precedence over previous notions of welfare and justice.

The Juvenile Justice System in England and Wales

Late Nineteenth Century to Early Twentieth Century

The beginnings of the youth justice system in England and Wales can be traced back to the mid nineteenth century. At a point where the construction of childhood as a category separate from adulthood was still to be recognised, young people from the age of seven upwards were exposed to the same penalties as adults which included their containment in adult prisons (Harris and Webb 1987). The Youthful Offenders Act 1854, encouraged by widespread belief that dealing with delinquents and neglected children in adult prisons did little to obtain their willing obedience (Carpenter 1853), established reformatories to remove juveniles from the contamination of the adult prison (May 1973; Shore 1999). Soon after, the Industrial Schools Act 1857 introduced schools for neglected children aged between seven and fourteen (May 1973) ‘to contain loutish working class youth’ (Pearson 1985:74). These schools later became a part of the penal system housing those young people who had been convicted of vagrancy (Shore 1999; Bottoms 1974; Garland 1985)².

² By the end of the century more than 30,000 young persons were contained in Industrial Schools and Reformatories (Radzinowicz and Hood 1986:181).

The juvenile court was established in the Children Act 1908 (Donzelot 1980) as a separate system for juvenile law breakers. The Act also gave powers to local authorities to intervene in family life if it was thought in the child's best interests. This provoked one of the first points of contention in juvenile justice concerning whether young people were cared for or controlled as the court had criminal jurisdiction over the delinquent child and civil jurisdiction over the deprived child. The deprived child's delinquent behaviour was thought to be the result of destitution brought about by the vices of their parents which was duly militated against when magistrates considered their disposal (May 1973:23). The delinquent child on the other hand was tried before the court and 'punished accordingly' (Morris and Giller 1987:3). This reconciliation of what turned out to be welfare and justice approaches to youth crime became fixed in youth justice policy as the court became an organization for both the punishment and the rescue of juveniles (Gelsthorpe and Morris 1994).

In brief, the welfare approach puts meeting delinquent's needs at the forefront of the agenda. This usually takes the form of employing informal mechanisms such as warnings and cautions rather than judicial procedures, wherein social workers have enjoyed wide professional discretion as to the level and type of intervention the delinquent requires (Cullen and Gilbert 1982). In contrast, the justice model supports that the fundamentals of youth justice should hold fast to the principles of due process and proportionality in sentencing. This approach does not favour discretionary decision making (von Hirsch 1976).

In an attempt to compromise between these two approaches the Children and Young Persons Act 1933 endorsed the prevailing domination of child welfare (Hendrick 2006) and ended capital punishment for young people under the age of 18 (May 1973). At the same time the Act also sought justice proceedings by ordering young delinquents to come before the court where a range of welfarist provisions were made available for their training and education (Harris and Webb 1987). Section 44 of the Act stated:

... every young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child and shall take proper steps for removing him from undesirable surroundings or for securing that proper provision for his education and training (Home Office 1933 section 44 (1) in Pickford 2000: xxviii)

The Act later proved contentious as the court was acting in 'loco parentis' (Muncie 1984:450), or rather sitting in judgement in family matters that brought many young people into its fore when they had not committed a crime. Consequently opinions that juvenile courts were places of welfare assistance burgeoned (Pearson 1983) so much so that in the first three years following the Act (Brown 2005) there was an increase in the rate of recorded delinquencies (Bailey 1987) and a doubling of young males brought before the court. This continued throughout the interwar period, and after, as increasingly emphasis on welfare approaches became the order of the day as many young offenders were diverted from the criminal justice system due to a growing acceptance that delinquency was a symptom of young people's social and personal circumstances (Hendrick 2006:9).

Juvenile Justice in the Mid Twentieth Century

Throughout the mid twentieth century, as the welfare state emerged, protecting the needs of the child became of political significance in youth justice (Donzelot 1980). Informed by Keynesian economic theory, the modern welfare state was built on a consensus vision of social justice for all providing full employment, full time education to young people and a significant rise in the average standard of living (Davis 1990). Within this agenda Family Allowances 1945, National Insurance 1946, the National Health Service Act 1948 and the National Assistance Act 1948 were established in theory to protect ‘the family from the cradle to the grave’ (Hendrick 2003:113-24) through state support and intervention. It is within this framework that juvenile delinquents came to be viewed as the result of deprived family circumstances and as such their behaviour was best tackled through state intervention (Bottoms 1974).

Initially intervention was provided by churches and voluntary organisations (Alcock and Harris 1982) until the Children Act 1948³ gave local authorities the right to remove neglected young people from their home and placed into care so that social work services could assess their needs. Concern at the amount of welfare provisions the Act provided was soon expressed by The Magistrates Association and the more punitive Criminal Justice Act 1948 quickly followed. This gave Juvenile Magistrates Court new powers to punish young offenders through harsher regimes evidenced in the introduction of Remand Centres, Attendance Centres and the Detention Centre Order (Harris and Webb 1987; Garland 1985) that combined hard work not dissimilar to the ‘short, sharp shock’ experiment that was established in the 1980s (Harris and Webb 1987). Overall, it can be said that both the Children Act 1948 and the Criminal Justice Act 1948 reinforced the

³ This Act was informed by the earlier Curtis Report 1946

dichotomy between welfare and justice and mirrored what was felt to be 'society's indecisiveness' (Brown 2005:76) towards those who transgressed the law.

The Children and Young Persons (Amendment) Act 1952 attempted to reconcile welfare and justice approaches throughout the 1950s. Elements of the Act combined notions of both care and control (Pickford 2000) such as the introduction of the approved school licence that in effect allowed juveniles early release from approved school under the community supervision of local child care officers. This was at a time when juvenile crime was on the increase and utterances were being made about the effects the war years had on young people (Pearson 1985). In particular the cultural impact 'Americanisation' was having on the 'British way of life' (Hendrick 2007:10) and the increasing affluence of young people and new familial patterns of behaviour were all viewed as signifiers of declining moral values. Certain members of the youth population were becoming increasingly marginalised even though post war policies were created to increase inclusion for all (Davis 1990:148-150). In part, by way of response the Youth Service was created with the intention of influencing young people to become positive citizens (see Osgerby 1998) through intervention programmes. The reality was that only 'respectable youth' engaged with the service that encouraged new thinking that juvenile delinquency was a result of 'social inadequacy' or rather a failure to fit in, as opposed to the previous belief that it was a product of being disadvantaged (Hendrick 2006: 9-11).

It was during the 1960s that many of the debates surrounding juvenile justice turned to the continued conflict between welfare and justice approaches and the failure of the welfare state to eradicate crime altogether (Davis 1990). Propositions in the Ingleby

Report (1960) attempted to blur the distinction between ‘deprived and depraved’ by diverting non serious offenders from the court through a police caution and offer welfare based treatment programmes as disposals for those who came before it (see Gelsthorpe and Morris 2002:239). This gestured a substantial shift towards social work intervention and widening professional discretion despite the apparent rise in the number of juvenile offenders (ibid). In like vein the Children and Young Persons Act 1963 continued with the theme of giving powers to Social Services to provide intervention programmes whilst further sustaining welfare imperatives by increasing the age of criminal responsibility from aged eight to ten (Hendrick 2003:143). The Longford Committee, set up by the Labour Party in 1964 further advocated welfarist approaches by recommending a family service to deal with young offenders. The Committees proposals formed the basis of the White Paper *The Child, the Family and the Young Offender* (Home Office 1965) that anticipated that young offenders should be fully removed from the court and dealt with exclusively by social services departments in the form of ‘family councils’ (Gelsthorpe and Morris 2002) similar to the family conferencing projects that have been pioneered in New Zealand (Braithwaite 1999) and more latterly the Children’s Hearings system in Scotland (McAra and McVie 2007).

Throughout the remainder of the 1960s there was an evident rise in the number of juvenile offenders (see Hendrick 2003), even so, Labour Party debates continued with the thinking that delinquency and deprivation were one and the same. Their 1969 Act denoted the high point of a welfare strategy thought to have materialised from a combination of social work, civil servant and Labour Party interests that had looked to the family for guidance and support as the court had become ‘a place of last resort’ (Rose 1990:175). The Act sought to raise the age of criminal responsibility from ten to fourteen

in anticipation that a more liberal approach consisting of non criminalised proceedings would be taken with those aged fourteen to seventeen (Morris et al 1980). The Act also increased social workers discretion to expand their client group that give rise to minor delinquents being drawn into the youth justice system under the semblance of prevention (Thorpe et al 1980; Morris et al 1980). As was the case in the Children and Young Persons Act 1933 prosecutions were encouraged on the assumption that care and treatment would follow (Springhall 1986).

In some ways the Act altered the weight of authority in penal matters away from magistrates, the prison service and the police towards local authorities and the Department of Social Security (Hendrick 2003). Consequently social workers were given ‘unbridled discretion’ (Brown 2005:78) to intervene at will and for any timescale they deemed fit. By way of protest Conservative Party lawyers and radical social workers brought to attention that social work intervention was placing too much restriction on young people that in some senses were more punitive than a court disposal (Hendrick 2006; Pitts 2003).

Taking a broader view of the 1969 Act, it has been argued that it was a cognisant attempt to decriminalise the juvenile court (Bottoms 1974) and as such the most welfare orientated legislation ever endorsed in youth justice. Although supported by social workers and academics alike the Act did not have the same appeal to working class voters or the newly elected Conservative government in 1970 and resultantly the Conservative administration, generally considered sympathetic to the police and magistracy (both of whom opposed the welfare stance in the Act) made sure that not all

elements of the Act were fully executed (Bottoms 2002; Goldson 1999; Morris et al 1980; Thorpe et al 1980; Morris and Giller 1987).

Hendrick, in reflecting on the value of youth justice debates in the 1960s concluded that the 1969 Act was the last attempt to hang on to post war Labour Party liberalism in criminal justice that was caused by the difficulty in harmonizing the conflict between punishment (justice) and welfare in one piece of legislation that would appease all political parties and unconvinced voters (see Gelsthorpe and Morris 1994). In this sense he posits that the support for welfarism was just ‘a political metaphor’ (2007:11) for government policy that was intent on engendering a more equitable society.

The Retreat from Welfare in the 1970s

Throughout the early 1970s both political and theoretical spectrums were calling to withdraw from welfarism (McLaughlin and Muncie 1996). The Conservatives remained committed to imprisonment and by the mid 1970s those on the political Right complained that welfarism was insufficiently tough on young offenders whilst those on the Left argued that the restrictions of ‘treatment were overly punitive’ (Morgan and Newburn 2007:1026). The cautioning of offenders amplified as did recorded crime rates (Home Office Statistics 2002) and increasingly young people were being drawn into the net of formal control (Cohen 1985) as rudiments of the Children and Young Persons Act 1969 were absorbed into the Conservative’s larger framework for youth crime control (Goldson 1997; 1999). In direct contrast to the intentions of the Act, the rates of custody for juveniles increased throughout the 1970s from 3000 in 1970 to over 7000 in 1978 (Rutter and Giller 1983).

This broad draw back from welfarist approaches can also be conceptualised as a shift in techniques surrounding the neo-liberal governance of children and families. Harwin (1982) for example points out that social work with young offenders was being called into question because the profession was being reorganised into generic social service departments that not only lacked adequate resources but leaned towards standard social work case management. It was also noted that generic social workers were finding it hard to adjust to the demands of working with young offenders and were failing to develop competent community sanctions. Subsequently the Conservatives put an end to Care Orders and abolished the Home Office Children's Department (see Brown 2005). These moves, together with a wider general cynicism with 'treatment models' (Cavadino and Dignan 1997) underpinned by the 'craftship' of the social work profession were generally thought to have marked the final retreat from welfare approaches. By the late 1970s arguments arose that welfarism was simply given to 'erroneous good intentions' (Goldson 2008:202) as the move towards an approach based upon a classic justice model began emerging.

The justice model at its most basic can be conceptualised as an attack on welfarism. Justice campaigners argued that welfare intervention was often based on specious assessments (Morris and McIsaac 1978; Morris et al 1980) that young people failed to understand and given that it is not possible to identify criteria that can be used to explain delinquent behaviour it is therefore not possible to prevent the causes of offending behaviour through intervention. Asquith explains:

...if we do not really know what we are doing with children we should not pretend to be employing the rhetoric of therapy [intervention] when what is readily exercised is a very subtle form of social control... (1983:7)

The justice model is founded upon due process and proportionality (Von Hirsh 1976) that in turn offers greater consistency and equality of treatment as distinct from responding to the young person's perceived needs (Morris et al 1980). Thus it was further sensed that young people could better understand a justice process and through proper representation their legal rights could be protected as intervention and punishment would be fixed in accordance with the court as opposed to the comparatively indefinite nature of welfare intervention (see Goldson 2002a, 2008). Support grew for a justice approach towards the late 1970s that consolidated the principles of diversion, decarceration and decriminalisation (Rutherford 1995:57).

Youth Justice in the 1980s

Throughout the 1980s Justice approaches were favoured with government ministers and policy makers for a number of reasons (Goldson 1997). From a wider socio-political perspective it had become apparent in the late 1970s that Britain was viewed as a nation in decline. This was evidenced in the racial tensions, economic struggles, disillusionment with the health and social services and trade union aggression that culminated in the 'winter of discontent' in 1978-1979 (Downes and Morgan 1994:189). At the same time the media were also claiming that the country was 'ungovernable' (Hendrick 2006:120) due to an emerging 'underclass' (see Murray 1994) that were deemed responsible for the increase in juvenile delinquency.

Meanwhile male unemployment had risen to fifteen per cent; the prison population had decreased from 50,000 to 42,000 and crime rates were increasing which threatened the Conservative Party lead over the Labour Party (Downes and Morgan 1994). In response,

Conservative legislation focused upon governance and the revival of traditional crime control values that subsequently secured Margaret Thatcher's Conservative Party victory (Gelsthorpe and Morris 1994).

Following one year in office the Conservatives released their White Paper '*Young Offenders*' (1980) in an effort to pursue a 'hard on crime' agenda and send messages that juvenile delinquents were not 'children in need' but young people deserving of punishment (Morris and Giller 1987:190). The Paper remained committed to diversion for minor offences but promoted tougher penalties for serious offenders in line with the many other contradictions seen throughout the history of youth justice policy (Home Office 1980: para 38). The following Criminal Justice Act 1982 which largely took on board the proposals of the White Paper gave magistrates more power to determine the form and content of Juvenile Court disposals through the attachment of conditions to Supervision Orders. Brown (2005:84) points out that this move was a further rejection of social work with young offenders as simultaneously the Act required social workers to assert more control when supervising juveniles.

Hard-hitting measures against crime were further introduced in the 'short, sharp shock' detention rule (Home Office 1984) that aimed to give young offenders a flavour of adult prison. Although a failure in terms of reducing reoffending rates, this regime was extended to all Detention Centres across England and Wales (Bottoms and Stevenson 1992). Adding further to the fight against crime the decline in public morality caused by what Conservatives termed 'welfare mothers' and 'neighbours from hell' (Pitts 2001:35), crime was considered no longer simply a matter for the police but the concern of the

community, teachers and parents (Downes and Morgan 1994: 191-2; Gelsthorpe and Morris 1994: 971).

Despite such tough Conservative rhetoric they were some contradictory tendencies (Morgan and Newburn 2007). For instance the 1982 Act signalled the end of indeterminate sentences and the use of borstal as the numbers of young people entering custody declined (Morris and Giller 1980). At the same time, the use of cautions increased dramatically, continuing throughout the 1980s (Gelsthorpe and Morris 1994) that prompted speculation that Conservative policy changes were largely political and symbolic of ‘appearing’ to be tough on crime (Morgan and Newburn 2007), themes that were filtered across the main political parties in the Criminal Justice Acts 1989 and 1991 (Goldson 1999; 2000; Muncie 1999a).

However Pickford (2000:6) points out that the reality was a Conservative party ruse. By combining both welfare and justice approaches within the same youth justice system and incorporating a ‘twin track’ approach that allowed for distinct categories of offenders to be treated differently met with another key objective of the Thatcher administration of reducing overall expenditure in youth justice. This was witnessed in a sequence of Home Secretaries from 1983 to 1992, particularly Brittan, Hurd, Waddington and Baker, who supported a strategy for managing the crime problem more cost effectively (Pitts 2003).

Overall throughout the 1980s damage has been caused by the lack of credibility in community penalties (see Rutherford 1996) and as such *The White Paper Crime, Justice and Protecting the Public* (Home Office 1990) signalled the Conservative’s intention to create newer and harsher reforms (Windlesham 1993). Based upon the previous Home

Secretary Douglas Hurd's embracing of 'just deserts' and a wider tougher repertoire of community sanctions (Rutherford 1989), the legislation provided a framework for sentencing offenders based on 'the seriousness of the offence' (Home Office 1990 para.2.3) and proportionality with the severity of the crime. Such approach tends to dealing with young offenders 'as near as adults' (Home Office 1990 para.8.16) and subsequently the juvenile court (previously established in 1908) was replaced with a Youth Court for sixteen to seventeen year olds.

Youth Justice in the Late 1980s to 1997

By the end of the 1980s securing cost effectiveness in youth justice began to take precedence over the wider justice and welfare arguments as debates around a corporatist agenda surfaced (Pratt 1989). In brief, corporatism refers to the increased centralisation of government policy (Unger 1976) and the establishment of inter-agency working to promote harmony among professional groups working with other agencies (Smith 2007 see Crawford 1998; Hughes 1998), that Pratt (1989) noted was beginning to characterise the juvenile justice system as a blurring of the boundaries between agencies and professional groups was evident. He brought to attention the workings of the Juvenile Liaison Bureau in Northampton designed as a forum for various professionals such as social workers, police officers and probation officers to divert young offenders from the court, to highlight that such schemes ignored due process principles (Pratt 1989) and were more an attempt to cut costs through the application of administrative justice. He went on to attest that other youth justice disposals known as 'alternatives to custody,' and 'diversion from court' (Hudson 1987) had become representative of government policies that were parallel with managing the delinquent population as opposed to reforming them (Pratt 1989).

The corporatist plan, although put on hold by Michael Howard whilst in office as Home Secretary between the years 1993-1997 as he favoured the populist harsher and tougher agenda with offenders, was later revived under the new Labour government in 1997 who were committed to modernizing the youth justice system through the creation of the Youth Justice Board and multi-agency YOTs. This agenda was soon to become short lived as a much broader process of public sector managerialism took hold. In brief a managerialist approach is based on a set of ideologies and practices that assumes that public sector organisations are best served by managers as opposed to professionals when attempting to resolve a range of social problems in a more efficient and economical manner (Clarke and Newman 1997; Newman 2001; Muncie 2009). For the Conservatives, this was a key means through which the public sector could standardise professional practice and be rid of bureaucratic structures and entrenched professional interests (Clarke and Newman 1997). From this framework systems of government were subsequently transformed into organisations that produced 'value for money' (Clarke and Newman 1997) as the public sector became subject to remits of 'productivity and performance measures' (Muncie 2002:288) and dependence upon evidenced based evaluations from government sponsored Audit Commissions. Starting with the health service and then education this agenda was later promoted in the criminal justice system to promote greater efficiency and more value for money from the agencies involved.

Subsequently the Audit Report (1996) commissioned to inform government policy on criminal justice confirmed that the police, legal aid, the court system, social services, probation and the prison service spent around £1 billion per year and that 'much of it was wasted' (Morgan and Newburn, 2007:1031). The report also noted the costliness of the process of prosecution especially in youth justice in the delays in taking offenders to

court and the system of cautioning juveniles that were thought to be reasonably cost effective at the first caution stage however repeat cautions were thought to bring the youth justice system into disrepute (Audit Commission 1996: para 2.1). In particular it was felt that there was nothing to challenge offending behaviour at the early stages of criminal activity and there was an absence of harmonized approaches between agencies working with young offenders in terms of what they were attempting to accomplish. In what can be considered an effort to erode the professional discretion of police and social workers in diverting young offenders from the court the report recommended more standardised efficiency in inter-agency working arrangements and early preventive interventions as the most suitable and effective means of saving public money. It is these recommendations that the move away from repeat juvenile cautions and the shift towards a more standard procedure of FWs can be seen.

The Audit Report (1996) with its emphasis on cost effectiveness was not the only signifier behind the change in working arrangements with juveniles. A few years earlier, both the public and political mood surrounding unruly youths had began escalating into a state of unrest, in part, a consequence of the well publicised urban riots in 1991 (Campbell 1993). The ensuing ‘moral panic’ about young people reached further political and public alarm in the murder of two year old James Bulger in 1993 by two ten year old boys. Huge media interest proceeded portraying a society that was ruthless in its admonishment of young people (Franklin and Petley 1996) and in reply, Tony Blair as Shadow Home secretary declared:

...bulletins of the last week have been like hammer blows struck against the sleeping conscience of the country, urging us to wake up and look unflinchingly

at what we see...crimes so horrific...the ugly manifestations of a society unworthy of that name (Cited in Morgan and Newburn 2007:1030).

This statement makes clear that New Labour were attentive of the shock concerning very young people committing serious crimes and how best to deal with it. Taking on board messages from research that inconsistent parenting is one of the biggest causes of grave youth crime, Jack Straw whilst still in opposition affirmed his commitment to supporting the family to 'nip crime in the bud' as part of his strategy for law and order (see Pitts 2001:17).

In an attempt to gain political popularity the riposte from the Conservative party was to convince the UK population that something was being done about law and order. Key in this message was the Criminal Justice and Public Order Act 1994 that established tougher regimes for juveniles, the revamping of community sanctions and the creation of a tougher probation service that was re-established as a law enforcement agency by severing links with social work education (Hagell and Newburn 1994). Throughout the following years the Conservative government expanded the youth prison population by almost sixty per cent as they sought to build 'safer communities' (Hagell and Newburn 1994) for the public to live in.

Elsewhere, whilst still in opposition, the restyled New Labour party mounted a full scale attack on the Tory's record of law and order (Pitts 2001) and stated publicly that crime was out of control and the Conservative government was incapable of resolving it (Chapman and Savage 1999). Subsequent New Labour campaigns headed by Tony Blair adopted the motif 'tough on crime and tough on the causes of crime' alongside a call to

infuse ‘tough love’ that implied a regime of harsher penalties assuaged by a sensitivity towards offender’s needs (Pitts 2001:15). These deep-rooted changes within the party transformed them from one that was thought to be unelectable in the 1980s to a party that challenged the Conservatives to the title of the party of law and order in 1997 (Chapman and Savage 2002: 211). On 1st May 1997 the Labour Party defeated the Conservative Party in a landslide victory.

New Labour New Youth Justice

Throughout the 1990s, New Labour’s commitment to modernising the youth justice system and adopt inter-agency working in criminal justice had begun in earnest in no less than five consultation papers for reform. *Tackling Youth Crime: Reforming Youth Justice* (Labour Party 1996) for instance planned new working methods in the way youth crime is dealt with by the criminal justice system, *Getting to Grips with Crime* (September 1997) examined the role of communities in tackling youth crime; *Tackling Delays in the Youth Justice System* (September 1997) planned ways of speeding up the process from arrest to sentence, *A Quiet Life* (September 1997) proposed the establishment of anti social behaviour order and the *New National and Local Focus on Youth Crime* (October 1997) recommended a new management system for youth justice. All of which underpinned New Labour’s pledge to ‘nip youth crime in the bud’ through improved effectiveness in the youth justice system.

On gaining power the findings from the Audit Commission’s (1996) *Misspent Youth Report* were also adopted as a new administrative framework for the party. Its recommendations were reproduced in the White Paper, *No More Excuses* (Home Office

1997a) that suggested that punishment was needed to signal society's disapproval of criminals and deter them from offending. Despite criticism at the time (Jones 2001:363) that the Audit report was 'methodologically flawed' and gave little concern to the findings from academic research regarding the nature of youth crime, findings from both the Audit Commission and the White paper largely informed the nature of New Labours Crime and Disorder Act 1998 and reforms for youth justice.

The Crime and Disorder Act 1998 was founded on a series of measures that built upon a tendency towards making young people, families, communities and criminal justice practitioners take greater responsibility for the 'crime problem'. In an attempt to standardise youth justice procedures through the creation of statutory early intervention and partnership working section 41 of the Act set up a national framework to encourage and monitor nationwide consistency and the creation of key performance indicators to monitor best practice.

It is clear that New Labour wished to free the youth justice system from the previous tensions that were by and large caused by the use of professional discretion and organisational cultural conflict between agencies (Crawford 1997). Central to the Act was the creation of multi-agency YOTs and the YJB that set out a separate line management for young offenders and a clear indicator of the government's renewal of a corporatist approach to tackle youth crime. Two key aims for the YJB were established by the Criminal Justice System Strategic Plan (1999-2002) set out by the Home Secretary, Lord Chancellor and Attorney General. The first aim was to reduce crime, the fear of crime, and their social and economic costs, and the second to dispense justice fairly and

efficiently to promote confidence in the rule of law (<http://www.archive.official-documents.co.uk/document/cm41/4181/psa-06.htm>).

The reform of non custodial penalties available to the court was central to the Act. The juvenile caution, for the reasons discussed earlier in the chapter, was replaced with a system of reprimands and FWs that involved at the FW stage, collaboration between the police and the YOT. Inter-agency working of this nature has been seen before in various guises such as police juvenile liaison panels (JLPs) that are considered in more detail in chapter two. What differs is that whereas JLPs were established to divert young offenders from the court, the function of YOTs is clearly to intervene.

The Act also implemented a series of unique initiatives to control youth disorder and incivilities through a raft of orders that for many commentators signalled one of the most radical changes in youth justice policy in recent decades (Goldson 2000, 2004; Muncie 2001; Newburn 2000). Included in these reforms was the Child Safety Order (CSO) (section 11) for those aged under ten (below the age of criminal responsibility) whose behaviour would constitute as an offence had the child been over ten. The CSO requires the child to comply with certain conditions such as avoiding certain places or attending particular courses. The Parenting Order (PO) (section 8) compels the parents of convicted young people aged under 16 to attend parenting programmes and the Anti Social Behaviour Order (ASBO) (section 1) contains provisions to ensure that the person named prevents any further alarm or harassment to members of the community. All of these orders carry civil enforcement as they do not require the commission of a criminal

offence or prosecution through the court and in many ways can be seen as a government attempt to manage young people and their families.

Partnership Working, the Creation of YOTs and the Governance of Young People

Partnerships

A key feature in the management of young offenders was partnership working and the creation of multi-agency YOTs. The term ‘partnership’ has been used interchangeably to describe multi-agency and inter-agency working arrangements that involve collaboration between agencies in terms of funding, delivery and the management of services across voluntary, statutory and community sectors. With young offenders, partnership working arrangements were developed between the police and youth justice in the early 1980s in the influential Northampton Juvenile Liaison Bureaux to divert young offenders from the court (Kemp and Gelsthorpe 2003; Haines and Drakeford 1997). Out of this came the Home Office Circular 8/1984 that acknowledged the benefits of interagency working and proposed that crime control should not be the sole domain of the police. By the late 1980s, a number of central government initiatives were endorsing collaborative working such as the Five Towns Initiative and the more extensive Safer Cities Programme (Crawford 1997:39). Tasked with a review of these initiatives, the ‘Morgan Report’ (the Home Office Standing Conference on Crime Prevention Home Office 1991) found that a more consistent structure in terms of which responsibilities belonged to which agency was needed and proposed that a statutory duty be placed on the police and all local authorities to commit to community safety and crime control (Crawford 1997:39-41).

Citing the anticipated difficulties in placing a statutory obligation on the police and local authorities to work together (Hughes 1998) the incumbent Conservative administration rejected the reports proposals. New Labour whilst still in opposition was quick to seize the suggestions of the Morgan Report and subsequently they utilised them as a backdrop to their election manifesto pledge and their consultation document on community safety (Crawford 1997; Hughes 1998). Later authorised in their Crime and Disorder Act was the call to place a statutory requirement on the police and local authorities to form Crime and Disorder Partnerships. Further requirements in Section 38 (1) of the Act made for local Chief Officers of Police along with the district and county council executives of local areas to be tasked with the implementation of effective crime reduction strategies to make strategic decisions regarding youth crime. In this sense YOTs were created under the rubric of 'joined up thinking'.

Creation of YOTs

YOTs were not intended to be owned exclusively by any one department or agency (Thomas 2008), rather the agencies tasked with responsibility to establish local YOTs were expected to provide staff on the basis of a fixed term secondment. Failing that, there was an expectation that they would provide sufficient funding to ensure that they were represented (ibid). Founded on the belief that crime has multiple causes, and as such it unlikely that any one sole agency could address these (Home Office 1991), the new holistic body of youth justice workers were required to identify a range of needs for those considered at risk of further offending and provide intervention to prevent this from happening (Bailey and Williams 2000; Burnett and Ros 2004). In order to avoid duplication of practice and to minimise the likely tensions between diverse organisational

practice cultures (see Crawford 1994; 1999) a statutory requirement to ensure that all YOTs had representation from social services, police, the probation service, education and the health service (Home Office 1999) was made and regardless of practitioner origins, YOT members were expected to take a flexible approach to working with young offenders.

Soon after YOTs were established tensions between practitioners emerged, largely the result of power differentials between organisations that created conflict amongst staff (Burnett and Appleton 2004; Souhami 2007). Moreover it was noted in some areas that YOT officers were increasingly expected to carry out tasks regardless of their professional backgrounds that created variations in practice on a national level as many remained in their original profession. For instance, social workers from the previous Youth Justice in many areas continued providing welfare provision and court work services (Thomas 2008).

Meanwhile elsewhere the YJB were claiming that the change in youth justice had all been a complete success. As the then chair of the YJB Lord Warner at the Building on Success YJB Annual Convention December 2002 bears testimony:

...there are real signs of success and a platform has been built on which further progress has been made. Overall the government should take heart and satisfaction from the encouragement of these signs of success, for the reform programme, their diagnosis and prescription, was fundamentally right (Warner 2002 quoted in YJB news December 2002).

This statement for some commentators was difficult to take on board because the YJB had been highly discerning in making use of findings from evaluations that itself had commissioned (Burnett and Appleton 2004:48). Further criticism followed from Brown who pointed out that given YOTs are a body subject to auditing and inspection from a government sponsored YJB it could be said that their creation was a cover up for a concurrent ‘decentralization and centralisation form of governance’ (2005:95). In this sense the reform represents both a facilitating and a domineering strategy of governance that is likely to repeat the ambivalence and tensions in practice that have previously characterised the system (Newham 2001:5).

Governance through Responsibilization and Communitarianism

Youth justice has historically been plagued by vagueness, ambiguity and a ‘reinventing of the past’ and unsurprisingly this theme can be seen in New Labours turn to the responsabilization agenda. The discourse of responsibility can be broadly summed as placing less weight on social contexts, rehabilitation and state protection and more on recommendations of active citizenship and the pulling back of the states roll (Rose 1996a). It was during the 1960s that authors such as Garland (2001) noted that the penal-welfare framework that had characterised youth justice was being supplanted by the development of neo liberal or advanced liberal forms of governance (Rose 1996a) the result of a perceived culture of welfare state dependency that undermined the ability of individuals to take responsibility for their actions. This framework lies at the heart of New Labours placing of accountability for crime on the young person and their family (Muncie et al 2002).

Although this shift from the state's responsibility for crime prevention towards individuals, families and communities (Etzioni 1995) is at odds with those advocates who accentuate the 'social' rather than the 'individual' (Frazer and Lacey 1993), the dominant neo-liberalist philosophy in both political theory and social policy puts forward that both the 'individual' and the 'community' should take centre stage in policy analysis. This debate can be seen in the media popularising of morality, the family and the overall state of the nation and as such, much of the communitarian plead has a strong conservative appeal (Frazer and Lacey 1993). Brought about, in part, by Etzioni (1995; 1997) in his plea for politicians to restore responsibility upon society rather than help and entitlements, his further agenda was to break the political mould on traditional left and right party politics (Etzioni 1995). His thinking not only ensnared politicians of diverse persuasions across Europe the USA and the UK but was taken on board with gusto by Blair's New Labour government that arguably was founded on right of centre politics. In a series of well published interventions aimed to remoralise the streets and tackle nuisance and disorder (Hughes 1998: 108) Jack Straw commented in New Labour's proposal document that:

The rising tide of disorder is blighting our streets; neighbourhoods and parks...incivility, drunkenness...graffiti and vandalism...affect our ability to a quiet life in our own homes (Straw and Michael 1996:4)

Further in line with the communitarian agenda (Etzioni 1995; 1997) Tony Blair commented in the Guardian (1st October 1997) that the root causes of crime begin in the domestic sphere:

...We cannot ignore the foundations of a secure society: family life. Children growing up without role models they can learn from brings

more....crime...deeper poverty...more truancy...this government will scrutinise every policy to see how it effects family life...

At a fundamental both themes of Communitarianism and Responsibilization aim to make offenders face up to the consequences for their behaviour and encourages families, other agencies and communities to take a more active interest in crime and disorder (Garland 2001). From this the YJB have taken on board that 'good parenting' should become the accepted wisdom for new youth justice. As Lord Warner stated:

We will no longer accept excuses for criminal behaviour from young people or their parents. Young offenders need to take personal responsibility for their actions and parents need to face up to their failure to act as good parents (Warner 2000 quoted in YJB News vol.4).

Measures to ensure parents take good care of their offspring has been seen in various guises in the past as a way of fostering parental responsibilities. This can be seen in the compelling of parents to pay maintenance for their children in Victorian reformatory schools and in the making of parents accountable for paying their offspring's fines in the Criminal Justice Act 1982 (see Goldson and Jamieson 2002b) and in the imposition of parental bind orders to ensure parents care for and control their children in the Criminal Justice Act 1991. Moreover, over forty years ago the Children and Young Persons Act 1963 created family advice centres for parents as this was thought essential in preventing offending behaviour. The difference between past and current philosophies however is that in post 1998 youth justice insufficient parenting must now be 'made good by the law' (Haines and Kelly 2000:101) and enforced by legislation that can include parents having to undergo training. The Parenting Order, in essence a civil order established under section 8 of the Crime and Disorder Act forces parents of convicted children to attend guidance and counselling sessions when young people under the age of ten are felt

at risk of becoming involved in criminal or anti-social behaviour (NACRO 1998). For Goldson (2000:110) such a system not only ‘punishes’ parents for failing to rear their children in a manner deemed appropriate, but it also creates a moot point as on the one hand, young people are expected to be responsible for their own actions whilst at the same time their improper behaviour lies at the door of their parents. The messages from research also cast doubt on the parenting order as although some parents, particularly single mothers, may welcome intervention counselling and support with their teenagers it remains the case that parental enforcement can often serve to exacerbate family conflict and young males in particular often fail to submit to their parent’s judgements (Henricson, Coleman and Roker 2000).

Rehabilitative Early Intervention

Early intervention to prevent reoffending was central to new Labours stress upon ‘predicting’ behaviour through risk assessment (Kempf-Leonard and Peterson 2000) that was very much in evidence during the 1960s (Thorpe et al 1980: 104). Seen in the White Paper *Children in Trouble* (1968) that formed initiatives such as intermediate treatment requiring children to be placed into residential environments (Pratt 1986; Hudson 1993; Goldson 2000), the reality as discussed earlier in the chapter was that influxes of young people were taken into ‘care’ often for very minor offences as even with benign intentions, some interventions were often too painstaking and considerably ‘up tariffed’ young people into the juvenile court (Thorpe 1980), much of which fuelled Cohen to comment on his net-widening thesis (Cohen 1979:112).

Notwithstanding these concerns, New Labour's belief in the efficacy of early intervention saw fit to draw upon developmental theories of criminology (Pitts 2001) and the 'new penology' of risk assessment (Feeley and Simon 1996) to inform their response to youth crime. A defining feature of developmental theories is the focus on continuity and change in behaviour and patterns of offending at different times in an individual's life. From this framework studies suggest that risk factors at different stages in the life course can be identified that promote a greater likelihood for delinquent behaviour (Farrington et al 2002). Earlier research in this area includes life course studies such as Loeber and Loeber's (1986) that identified that neglect, inconsistent discipline, deviant family values and loss of a parent through divorce or illness as strongly significant in antisocial and criminal behaviour. Juby and Farrington (2000) also found that delinquency rates were higher in disrupted families than those families deemed intact regardless of whether or not they reported juvenile convictions or self reported delinquency. The study also found that boys who had lost their mothers were more likely to be delinquent than boys who had lost their fathers but still, disruptions arising from family disharmony were more damaging than disruptions caused by the death of a parent.

Emotional difficulties arising in young people's early transitions through life were identified as the factors most linked with juvenile delinquency by Utting Bright and Henricson (1993). This was later corroborated by Elander et al (2000) in their work on later onset criminality. They examined the forensic histories of thirteen individuals found that in comparing the levels of disturbance among this group with those from a similar high risk group with no convictions before and after age 22, that the thirteen with recorded convictions after age 22 had evidence of minor delinquency in 12 cases, with evidence of major mental illness that preceded the first conviction in four cases. Levels of

anti social behaviour and major mental illness were significantly higher than for those who had never had a conviction, which led them to conclude that late onset criminality is associated with juvenile anti-social behaviour and/or mental illness. Farrington (2000) the lead proponent in the prevention of youth crime later established that low intelligence, poor child rearing, hyperactivity, erratic parental discipline, divorce and low family income as almost the conventional wisdom on the risks of offending behaviour.

Irrespective of the fact that the relationship between deprivation and crime is time-honoured in academic criminology (Merton 1938; Cloward and Olin 1960), new Labour remained preoccupied with the identification of risk factors that distinguish the likelihood of certain people becoming offenders (Goldson 2000: 44-46) which if then circumvented, will reduce the probability of criminal behaviour (Farrington 1997) and enhance the chances of good citizenship. It is within this thinking that new Labour formed their agenda for youth justice.

Conclusion

This chapter has explored the intellectual basis for the change in policy and procedures with young offenders and the implementation of the FW reform. In charting the history and broader socio political developments from the late nineteenth century to the early twenty first century a number of themes have been identified that are essential to the understanding of New Labour's rationale for reform.

Firstly it seems clear that youth justice reform was central to New Labour's repositioning as the new party of 'law and order' in an attempt to cement public confidence in criminal

justice and a new government. This has been shaped by both old discourses of early intervention and contemporary political discourses in which themes of risk and responsibility can be seen throughout. Secondly, in essence these policies have been both hackneyed from, and legitimised by, toughness politics that has brought about more austere measures with young offenders and more robust forms of decision making for professionals. Thirdly, in anticipation of ensuring a more consistent approach with young offenders indicated is the shift away from penal welfarism towards corporate working and micro management.

In continuing with the intellectual basis for the FW reform the next chapter turns towards the government drive towards consistency in police decision making and the ways in which police discretion had been previously applied in juvenile cautions.

CHAPTER TWO POLICE CAUTIONING AND THE FINAL WARNING OF YOUNG OFFENDERS

Introduction

This chapter develops an understanding of the nature of police discretion with juveniles and the police role in the FW reform. Importantly it sets the framework for understanding how inspectors in the study area perceived the change from juvenile cautions to FWs and how they carried out the procedure that is discussed later in chapter five.

The chapter has the following three aims. Firstly to describe the nature of police discretion and review some of the caution literature that introduced the many variations in caution practices. Secondly to assess the legislation that attempted to promote greater consistency in the use of discretion in caution practice and thirdly to consider some of the early findings from FW research.

The chapter is structured as follows. First the nature of police discretion is introduced and then the police caution literature is overviewed to highlight the differences in practice that have been found across and within police force areas. Next the Home Office Circulars and key pieces of legislation that have attempted to curb police discretion in caution practice before its abolition for juveniles in June 2000 are examined. FW procedure and its legislative context are then explained and some of the early findings from the academic and policy research are reviewed. The chapter concludes with the

suggestion that legislation alone is not likely to promote greater uniformity in police practices.

The Cautioning of Offenders

Police Discretion

The importance of discretion and in particular the craft of the police officer in arriving at an appropriate course of action cannot be overstated. This has characterised the nature of policing since the public police emerged post 1829. The modern Police was developed by the then Home secretary Robert Peel and Middlesex magistrate Patrick Colquhoun (Palmer 1988; Paley 1989) that culminated in the Metropolitan Police Act 1829 (Emsley 2004). Previously parish constables and watchmen patrolled the streets in London until a rising tide of crime and disorder rendered them inefficient (Emsley 2004). Subsequent legislation in the Municipal Corporations Act 1835, County Police Act 1839, the County and Borough Police Act 1856 and the Local Government Act 1888 (see Emsley 1996) contributed to the establishing of further police forces in the provinces and the consolidation of a nationwide professional pattern of policing whose nature remains broadly the same today (Reiner 2000).

Since its inception the police have always held certain powers over the public that includes the powers to arrest, search, detain and to charge those they suspect have committed an offence. These decisions have largely been left to how the police work with rules and the knowledge and experiences of individual police officers (*inter alia* Chan et al 2001, 2004; Dixon 1997; Sanders and Young 2003) that also allows a police officer the capacity to ‘turn a blind eye’ (Ericson 1991; Campbell 1997) as they are not

duty bound to intervene as breaches of the law always exceed the capacity to be able to deal with them. A manual for police constables written by Sir Henry Hawkins at the time Her Majesty's Judge in 1893 advised:

Much power is vested in a police constable. Pray avoid oppression, be firm and not brutal.... you are not absolutely bound to arrest. Exercise your discretion in nature and the circumstances of the offence and character of both the accuser and the accused (cited in Reiner 1992:724).

As gatekeepers to the criminal justice system the police remain in charge of bringing offenders into, or out of the formal criminal justice system. In this sense they make decisions on whom to arrest, which cases to investigate, how to investigate, whom to interview and whom to charge with an offence. When deciding to intervene in an incident it is generally regarded that at the street level this is usually the result of individual officers' interpretation of situations (Brown 1997; Campbell, 1997; Dixon, 1997), the law, the offender as well as their own working rules (Chan 1996; Campbell 1997; Fielding 1995; Holdaway 1983; Waddington 1999)

Once the police have the evidence to charge an offender they have alternative options they can consider that can include taking no further action (NFA) or to caution the offender thus diverting them from the formal criminal justice system. This is a less costly form of justice and it also benefits the suspect as it avoids a criminal conviction. Central to these actions is discretion, that in brief gives people in certain occupations the power to decide on a particular course of action according to their own 'discernment' (Gelsthorpe and Padfield 2003:3). Whilst this allows them to pursue what they see as the most appropriate forms of action, discretion is one of the most contentious issues in

criminal justice as it allows police officers (and other criminal justice professionals) the liberty to undermine policies that they are not in agreement with and to employ unfair practices (Gelsthorpe and Padfield 2003; Saunders and Young 2003; Lacey 1992) that can have a life changing impact on people which has been well documented in the media. In contrast, other authors such as Baumgartner (1992) have contested the nature and power of discretion arguing that professional judgements in criminal justice practice is controlled by formal and legal rules and economic, political and social restraints that all affect the choices that professionals make.

Even still, the police have come under critical scrutiny regarding the ways in which they carry out their operations. During the mid 1980s, (when police officers held the authority to prosecute suspects see Saunders and Young 2007) it was noted that different police force areas were using different criteria in deciding whether to take legal action or not, and too many fragile cases were coming before the court often because of the police failure to collect sufficient evidence (McConville et al 1991; Saunders et al 1997). Assumptions that the police could not be relied on to make fair and reasonable decisions about who should be brought to court ensued, especially as they were also the investigators in the case (Royal Commission on Criminal Procedure 1981: para 6.24). As a result, the Prosecution of Offences Act 1985 made way for the Crown Prosecution Service (CPS) a year later to prosecute offenders on behalf of the state and oversee police procedures in criminal matters.

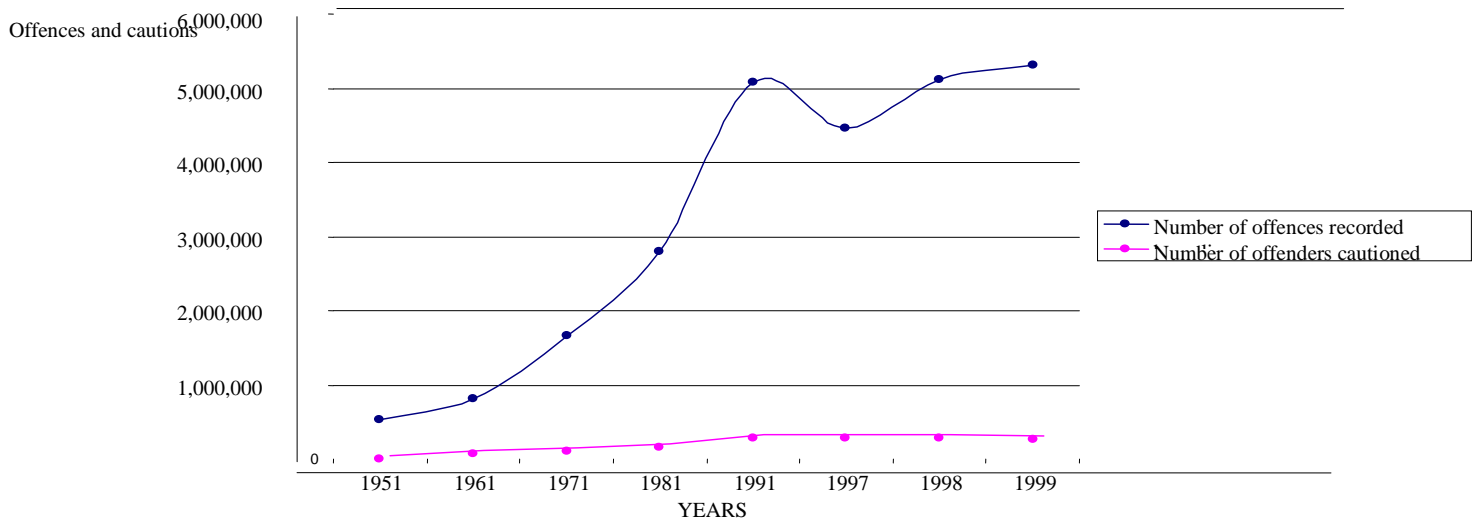
Police discretion by and large is associated with diversion from prosecution at the early stage of the criminal justice system. This took the form of a system of police informal cautions that had limited criteria in terms of how they should be used as they were seldom recorded (Fionda 2005). The first recording of an official police caution (Steer 1970:54) was in 1833, four years after the creation of the Metropolitan Police although it was not until 1853 that official police policy encouraged cautions for minor offences. Although there are general principals in the use of cautions regarding the legality formality and consequences of cautions (Evans and Wilkinson 1990; Fionda 2005), in terms of local practices they have varied widely. According to Ditchfield the procedure of cautioning follows that:

For indictable offences a caution almost invariable takes the form of an oral warning by a senior uniformed officer about the offenders conduct and the possibility of future prosecution should a further offence materialise. A caution can only be administered if the offender admits the offence and the police are satisfied they have sufficient evidence to otherwise charge the offender. As such the caution is most typical for young people and less serious offenders (Ditchfield 1976: 1).

The caution was brought into being on the premise that it combined deterrence of future offending with the notion that some offenders did not require formal criminal justice intervention. From this framework officers drew upon their ‘craft skills’ (Reiner 2000) or rather the knowledge they gained through formal training and ‘on the job’ experience when approaching any given situation. Whilst this may have given rise to variations in the application of cautions (Laycock and Tarling 1985; Giller and Tutt 1987) for some commentators it was simply the outcome of dealing with each individual circumstance (Campbell 1997).

Official data on police cautions became publicly available in 1954 (although police data can be traced back to 1951) in Home office *Supplementary Statistics* that combined adults and juvenile cautions (see Farrington 1981). At this point no other socio-demographic information was available. It wasn't until 1973 that data specifically on juveniles was accessible in Home office *Criminal Statistics: England and Wales* that detailed cautions by age, offence, sex and police force area. Since 1980, the summary tables and commentary on caution practice have been retained in the shorter volume of Home Office *Criminal Statistics*. Graph 2.1 below details all offenders cautioned in England and Wales from 1951 when recorded police data was available to 1999 the year before the juvenile caution expired.

Graph 2.1 Adults and Young Offenders Cautioned in England and Wales and Offences Recorded by the Police from 1951 to 1999



Home Office Criminal Statistics 1999

The graph reveals that cautioning for both adults and juveniles increased each year up until the early 1990s and steadily declined through to 1999. This reflects the increase in recorded offences up until 1992/3, and then a steady increase up until 1999. The

combined cautioning rate for both adults and young offenders (the number of offenders cautioned expressed as a percentage of the number found guilty or cautioned) has remained fairly steady at around eleven to twelve per cent nationally since data was made available (Home Office Criminal Statistics 1999).

The use of police cautions first captured academic interest by McClintock and Avison in 1968. Their seminal study found wide variation in the application of adult and juvenile cautions across the 124 forces studied. In particular they found considerable variation between offence types:

In 1962, there were four forces which did not caution any offenders for indictable offences and at the other extreme there were four forces cautioning four out of every 10 offenders. Even if one is to accept a reasonable variation as the national average of around eleven per cent this still leaves 54 out of 124 forces either above or below this wide range (McClintock and Avison 1968: 208-210)

Throughout the eight year study period they also found considerable change in caution practice across and within police forces as 49 of the 124 forces substantially increased or decreased the numbers of people they cautioned. The authors concluded:

From a close study of the individual variations in caution rates between and within forces it can be stated that there is no nationally agreed policy on the extent to which the police can legitimately exercise discretion to prosecute or not... variations are too great to be explained in terms of differences in types of crime, sex and age (McClintock and Avison 1968:210)

These inconsistencies led to calls throughout the late 1960s and 1970s to standardise caution practice as it was felt that there was 'no official guidance' (McClintock and Avison 1968: 155) or any 'common policy' (Somerville 1969:480) across police force areas. Steer (1970 cited in Campbell 1997:61) proposed that the incoming Children and Young Person Act 1969 could include safeguards to counteract the differences in

principles and ideology that was found amongst presiding Chief Constables and thereby promote greater uniformity in practice whilst Somerville (1969:156) advised in his work on police preventative work with juveniles that inter-agency approaches were most effective and subsequently requested that Her Majesty's Inspectorate of Constabulary regulate caution practice. By the mid 1970s, Nelken pointed to the need for a clear recognition of the aims of police cautioning and for the development of greater governance over how they were administered. This he suggested should come from the police rather than through government legislation as police discretion he argued could not be left to 'the erratic procedure of judicial review' (1976:386). Yet as Campbell recollects, it was exactly this mechanism that the government 'later pursued' (1997: 61) in response to the continued discrepancies in caution practice

Some eight years following the McClintock and Avison (1968) study Ditchfield (1976) published analysis of caution rates for both juveniles and adults in all police force areas across England and Wales. In similar vein to findings by McClintock and Avison (1968), stark variations in police caution practice were also evident between rural and urban areas. Ditchfield found that Dorset Police Constabulary and Suffolk Police Constabulary had the highest caution rates at 14 per cent of all offenders found guilty of an offence while the lowest caution rates were in urban areas such as Liverpool and Manchester that had caution rates of between five and six per cent. In addition, he found that due to differences between police force prosecution policies similar types of offenders committing similar offences received different outcomes depending on whether the police force had a policy of cautioning certain offences or charging them (Ditchfield 1976:18-20).

In light of what was deemed as the unpredictable nature of caution practice, the Royal Commission on Criminal Procedure 1981 (the Phillips Report) whilst calling for greater accountability, efficiency and fairness in criminal justice also recommended a reduction in caution disparities. In the same year, the Penal Affairs Group (1981) produced a strategy for the use of cautions to be sanctioned in legislation and issued to all first time minor offenders under seventeen years of age. Noted by Campbell (1997:61) the impact of the strategy was later reviewed and published in the Consultative Document of the Report of the Working Group on Cautioning (Home Office 1984) that subsequently led to the Code of Practice for Prosecutors (Crown Prosecution Service 1986) and the Home Office Circular (14/85) *Cautioning by the Police* that advised all first time offenders should be cautioned unless the offence was serious. The Circular stated that second cautions were to be issued to offenders only after a reasonable time lapse between offences and Chief Officers were also given clear recommendations to maximise on inter-agency working with juveniles at the decision making level (Evans 1997).

Bottomley (1985), although he had no misgiving regarding the capacity of the Circular to impact on cautioning practices, soon highlighted that Circular (14/85) lacked clarity and was vague regarding its use of terms such as ‘offence seriousness’ or ‘reasonable time lapse’ (:311) that he argued allowed police officers wide interpretational room in decision making. Laycock and Tarling (1985:90) who were later commissioned to examine the impact of the Circular found no notable differences in officers’ interpretation of the Circular but noted that differential treatment between juveniles and adult offenders was common that was linked to the variation in police force strategies on first time offenders and the type of crime committed

Later, Giller and Tutt (1987) used secondary data to assess the impact of the Circular (14/85) and found that variations were still apparent across force areas that were equally as explicit as variations within forces. Finding little evidence that the Circulars aims had been achieved the authors however noted that police forces with a low caution rate in 1981 were still featured in the low caution forces in 1985 and concluded that the variations in police force caution rates had only marginally changed from those reported in their previous study on juvenile liaison schemes in 1983 (Tutt and Giller 1983). There also appeared at least 'circumstantial evidence' (Giller and Tutt 1987:368) that net widening with juveniles had taken place.

In highlighting variations in caution practice both adult and juvenile cautions have been considered. The following part of the chapter is concerned with the practice of juvenile cautions only that was brought to academic attention in the late 1970s through the evaluation of Juvenile Liaison Schemes.

Police Juvenile Liaison Schemes

Since the establishment of the juvenile court in 1908 the Police and justice officials have traditionally determined the most appropriate course of action with young offenders (see Muncie Hughes and McLaughlin 2002). This has predominantly been through the use of cautions because of the added benefit of minimising the development of criminal careers associated with a court conviction (Farrington and Bennet 1981; Rutherford 1995). The police role widened with juveniles during the 1950s (owing to increasing numbers of young people being found guilty of a criminal offence) in the form of police juvenile liaison schemes (JLS). Introduced, first in the City of Liverpool in 1949 and placed on a firm basis in 1952 (see Kilbrandon Report 1968 section 149) JLS's represented an

extension of the police caution system by providing a period of informal supervision by a specially selected police officer and health and child guidance services to assist in the prevention of delinquency. Later during the 1980s they became known as juvenile liaison panels (JLP) and were used as a decision making forum to assist the police in making the appropriate disposal.

The Children and Young Person Act 1963 (section.1) further extended powers for intervention to be extended to those young people considered 'at risk' of delinquency. Although this role was intended for social workers it was routinely undertaken by the police as Liverpool City Police announced in 1962:

The very nature of our duties makes the police ideally situated to learn of potential delinquents at an early stage and take immediate action to prevent them developing criminal tendencies (Liverpool City Police 1962 cited in Pratt 1986:22).

In carrying out this work the police identified 'potential delinquents' as those young people found playing truant from school or generally staying out late in adverse places (Downes and Morgan 1997). With help from school teachers, ministers and parents the police impressed upon young people the importance of responsible citizenship (Pratt 1986) that was subsequently reaffirmed in the White Paper *Children in Trouble* (1968 Cmd.3601) as a positive contribution in preventative work with juveniles. Home Office Circular (70/1978) *The Cautioning of Offenders* called for police forces to implement JLS on the premise that juvenile delinquency was not considered the 'prerogative of any single agency' (Home Office 1978:211). By the mid 1970s only seventeen police forces had implemented them (Evans 1990) as most forces felt that petty offenders were too insignificant to deserve the benefit of costly intervention. For some this was an indication

of the police opposing to undertake work with young people that was intended for social workers (see Pratt 1986).

The factors that influenced police decision making in JLS underpinned much of the research on juvenile cautions. Bennet (1979) for instance examined whether the social class of the juvenile impacted upon the decision to caution or charge the offender. He found that the police appeared to discriminate against working class offenders in a way that could not be entirely explained by the seriousness of the offence. His work was later criticised by Landau (1981) who noted that other non-legal variables such as age, race, and sex were not controlled for which may have caused what he said were ‘spurious or pseudo discrimination effects’ (1981:29).

Farrington and Bennet (1981) on behalf of the Home Office examined the impact of JLS on juvenile crime rates. They compared the data from the Metropolitan Police Force in 1968 before the JLS existed, and in 1970 when all divisions in the Metropolitan force operated a JLS. The study confirmed that for those young offenders aged ten to fourteen years, arrests in the Metropolitan area increased during the period by 97 per cent, and for those aged fourteen to sixteen by eighty eight per cent. The study also revealed that on a national level the rate of juvenile cautioning increased by almost fifty per cent from 1968 to 1970. This can be attributable to the Children and Young Persons Act 1969 as discussed in chapter one that gave greater powers of discretion for social workers to expand their client group that resulted in non serious delinquents being drawn into the youth justice system under the guise of prevention. In conclusion the authors stated ‘it is implausible to suggest that there was anything approaching such a marked increase in

juvenile offending' (Farrington and Bennett 1981:135) but rather a net widening of arrested juveniles had occurred.

Differences in juvenile caution rates were also attributed to the criteria police force areas used in cautioning offenders (Farrington and Bennett 1981; Tarling and Laycock 1985). Some police forces concentrated on the nature of the offence and issued a caution for a debut offence unless the severity of the offence dictated otherwise. A further offence under this regime triggered referral to the juvenile court what Tutt and Giller (1983) called the 'justice' model of decision making. In contrast, other police forces using a 'welfare' model of decision making instead referred the young offender to JLPs to place the crime in context. This often resulted in many being placed on programmes that were not only more intrusive but also more costly than formal cautions or an order from the court (Bennett 1979; Farrington and Bennet 1981; Tutt and Giller 1983).

Tutt and Giller (1983) found from the fifteen police forces in their study that West Midlands Police Constabulary, whose decision making fell in line with their 'justice' approach, cautioned males under the age of seventeen at 47 per cent. This was exactly the national average for cautioning, whilst Derbyshire Police Constabulary which adopted their 'welfare' approach cautioned at 43 per cent for the same group. In contrast, Devon and Cornwall Police Constabulary and Greater Manchester Police Force both advocates of welfare approaches cautioned the same group at 62 per cent and thirty five per cent respectively (Tutt and Giller 1983:94). The authors were led to conclude that variations in cautioning rates, or rather the chances of the young person being diverted from the court, were in part, dependent upon the geographical area that the offender resided in.

Diversion in the 1980s

Throughout the 1980s (Morris and Giller 1983; Tutt 1981) the use of cautions remained popular as a disposal even though concerns were mounting regarding its potential to draw more and younger offenders into the informal criminal justice system. The White Paper *Young Offenders* (1980) gave assurance that juvenile offenders diverted at an early stage were less likely to re-offend than those who became involved in the judicial proceedings and the widespread police practice of giving formal cautions was ratified (HMSO 1980:12). In anticipation of discouraging the use of cautions in inappropriate cases and to establish greater conformity in police decision making a multi tiered system was devised in consultation with Juvenile Liaison Panels (JLPs) (these replaced JLS to reflect the emphasis on decision making). This allowed the police to accommodate decisions to take no further action (NFA) informally warn the young person; administer instant cautions or a caution plus which involved the young person undergoing intervention with social work agencies (Evans 1991; Evans and Wilkinson 1988).

The Association of Chief Police Officers (ACPO) announced that most senior officers endorsed the use of multi tiered cautions that was confirmed by an increase in the numbers of young people cautioned and a decrease in the numbers sentenced to custody (see Newburn 2002). Those forces that had rejected decision making tiers such as Hampshire Police and later Northumbria Police administered instant cautions for all minor offences (see Tutt 1985; Tutt and Giller 1983; Laycock and Tarling 1985; Mott 1983) that led to speculation that instant cautions were more to do with a reduction in paperwork than a reduction in the potential for net- widening (Cohen 1985; Morris and Giller 1983; Tutt 1981) as they were implemented without any evaluation of the

outcomes (Tutt and Giller 1983). The increase in numbers of young people cautioned from 1980 to 1990 is illustrated below.

Table 2.1 Persons aged 10-17 Cautioned as a Proportion of Known Offenders from 1980-1990

Year	Male Offenders %	Female Offenders %
1980	44	69
1981	46	71
1982	49	75
1983	51	77
1984	54	83
1985	59	84
1986	61	85
1987	66	86
1988	69	84
1989	71	86
1990	75	89

Source: Home Office. Criminal Statistics, England and Wales, 1980-1990

Interestingly, as shown in the last chapter, the increases in caution practice throughout the 1980s came about from a Conservative government that was apparently committed to a more repressive juvenile justice system that set about opinions that the increase in

cautioning was as much to do with saving costs in criminal justice as any firm belief in the benefits of diverting young offenders (Clarke 1985).

Despite such huge increases in the use of cautions throughout the 1980s, in political, humanitarian and economic terms there were apprehensions about the aims of police cautions and how they were used. Ashworth (1984) and Sanders (1988) for instance found that cautions neglected the legal principles of due process and failed to take into account the rights of suspects (see Laycock and Tarling 1985). The use of enhanced cautions was thought to be superfluous mainly because they were more interventionist than a court disposal (Cohen 1979; Sanders 1988) and there was increasing concern that they failed as a meaningful crime prevention strategy (Farrington and Bennet 1981; Westwood 1990).

Such unease around police cautions has mainly centred on the ‘unfettered discretion’ (Campbell 1997:41) the police have in disposing them. Research has testified that police officers have drawn upon a host of erroneous variables such as offender characteristics (Ashworth 1998), types of offences (Mott 1983), socio-economic background (Landau 1981) sex (Evans and Wilkinson 1990), ethnicity (Home Office 1984; Evans and Ellis 1997) and extra legal factors such as the young person’s demeanour, attitude, appearance and the perceived levels of parental control when deciding to divert or prosecute the young offender (Tutt 1985).

Still despite such controversy surrounding the use of cautions towards the end of the 1980s there were signs that diversion had other more managerialist benefits that justified its continued support in the 1990s (Fionda 2005).

Diversion in the 1990s

As shown in chapter one, by the late 1980s and early 1990s there was clear signs that a corporatist/managerialist movement had taken hold within youth justice. This agenda was soon extended to policing evidenced in the introduction of national standards for cautioning (Home Office Circular 59/90 para:7). These standards set out clear decision making criteria and clarification to police officers for the ways in which different age groups should be administered cautions. Circular 59/90 also made recommendation to chief officers on a force wide basis that cautions should be monitored and recorded since they could be cited in court and to maximise inter-agency working in decision making. Cautioning for all first time juvenile offenders was encouraged as it was felt the courts should be the last resort for juveniles (Home Office 1990) that extended to young adults aged 17 to 21 who as a group were significantly less likely to receive a caution than juveniles 16 and under. (Evans 1991). This remained the case up until 1999, when the average caution rate for all police forces for young adult males and females (17 to 21) was 14.9 per cent and 29.2 per cent respectively, and for juveniles (16 and under) the rate was 72.2 per cent and 85.3 per cent respectively (Criminal Statistics England and Wales 1999).

Evans and Wilkinson (1991) tasked with the evaluation of Circular 59/90 found that it had done little to promote consistency in caution practice and the ways in which police officers applied the tiers. Juvenile Liaison Panels that took the form of police officers, consulting with youth justice officers, probation officers and education professionals regarding the best way to proceed were in use in only some force areas (Evans and Wilkinson 1997:176). In other areas young people were issued a caution within hours of the commission of an offence in the same way as an instant caution. The failure of all

forces to implement adequate monitoring systems and the lip service some forces paid to both Circulars (Evans and Wilkinson 1997:176) led Campbell to quote Cohen in her conclusion that as always once ‘reforms have been integrated...its business as usual’ (Cohen 1988:216 cited in Campbell 1998:62).

In reflecting on the failure of both Home Office Circulars (14/85;59/90) to promote consistency in practice the Royal Commission on Criminal Justice (1993) recommended that cautions be placed on a statutory footing (Galligan 1994). As suggested in chapter one this was also at a time when managerialism was being promoted in youth justice and cautions were seen as an effective and cost efficient disposal by the Audit Commission Report 1996 (see also Home Office 1993 para 63). Consequently professionals and academics began to question whether young people were being cautioned when previously no further action would have been the outcome (Campbell 1997) such as NACRO who claimed that the juvenile caution was simply a cost effective response to minor and transient behaviour rather than anything else (NACRO 1993:2).

The more discouraging and last of the Home Office Circulars on cautioning practice, Circular (18/94) confirmed that variations between police forces and within forces were still very much in evidence. At the launch of the Circular, then Home Secretary Michael Howard announced that giving cautions to the same person time after time sent out the wrong message to the criminal and the public that reflected the tough on crime agenda in the early 1990s (Gibson 1995). Thus in contrast to the previous Circulars (14/85 and 59/90) that had recommended the use of cautions for all first time offenders, Circular (18/94) advised that there was to be no ‘hard and fast rules that all first time offenders are cautioned or are automatically diverted from court’ (Home Office 18/94 Para 4) and

repeat cautions were to be avoided. In this sense as discussed in the last chapter the move from welfare responsibility to notions of risk management is evident. The Circular also called for better monitoring and recording of cautions especially the caution plus scheme⁴ (such as the renowned Northamptonshire scheme) as only eighteen forces had collected data and decisions were required on its future use (Home Office 18/94: para 2). The legal decision to caution was left to the sole discretion of the police as it was felt in the vast majority of cases it was properly used as a matter of common sense (Home Office 18/94: para 3). This view was further upheld as the JLP was to be viewed as a device for consultation on second cautions only if it was deemed fit and not as a matter of course (ibid).

Circular (18/94) impacted on a number of levels. Evans and Ellis (1997:1) noted that inter-agency consultation designed to give advice on second cautions was reduced because of the emphasis on restricting repeat cautions, although considerable differences between police force areas still remained. The authors gave weight to the value of the Circulars guidance on repeat cautioning when they found that a Home Office survey in 1994 showed 14 per cent of those cautioned in one week had received a previous caution which was six per cent lower than a similar Home Office study in 1991 (Evans and Ellis 1997:2).

According to Spencer (1994) Circular (18/94) had not been informed by research and as such it simply offered an argument that a minority of young people received more than one caution. He further pointed out that consequences of the Circular was the ending of repeat cautioning (except in exceptional circumstances) that departs from existing

⁴ Constitutes a caution 'plus' an additional penalty in lieu of a prosecution

practice with juveniles and is tantamount to the rise of a new era that dismisses the effects of labelling, stigmatisation and the continuing of criminal careers (Spencer 1994). In this sense Circular (18/94) not only served to undermine the youth justice principle of diversion, but also appeared to reduce the overall rate of cautioning for juveniles (Evans and Ellis 1997:1) that continued falling from a peak of ninety six per cent during 1992/93 up until June 2000 (Home Office Statistics 1999 see Goldson 2000, 2001; Newburn 2001) when it was abolished and replaced with a non-discretionary statutory Final Warning scheme.

Final Warning Policy and Process

The FW is underpinned by the notion that central to most youth justice systems is the desire for the state to protect young people from the full force of the law (Goldson and Muncie 2006). Shown earlier in the chapter for more than a hundred years in England and Wales this has traditionally meant diverting young people from the court by way of a police caution and often welfare intervention to address the needs of the young person and the causes of offending. In 1999, the year before cautioning for juveniles was abolished more than 80 per cent of young offenders in England and Wales were dealt with in this way (Home Office Statistics 2002). The concern expressed by the then Home Secretary Jack Straw was that by repeatedly cautioning young offenders the youth justice system was failing to get the message across to young people that they can no longer carry on offending with impunity. Indicating that more official responses were needed to limit young offenders perceived 'nonchalance' to the law a staged system of a reprimand and FW that limits the amount of times the police can divert young people from the court was introduced to replace the juvenile caution system

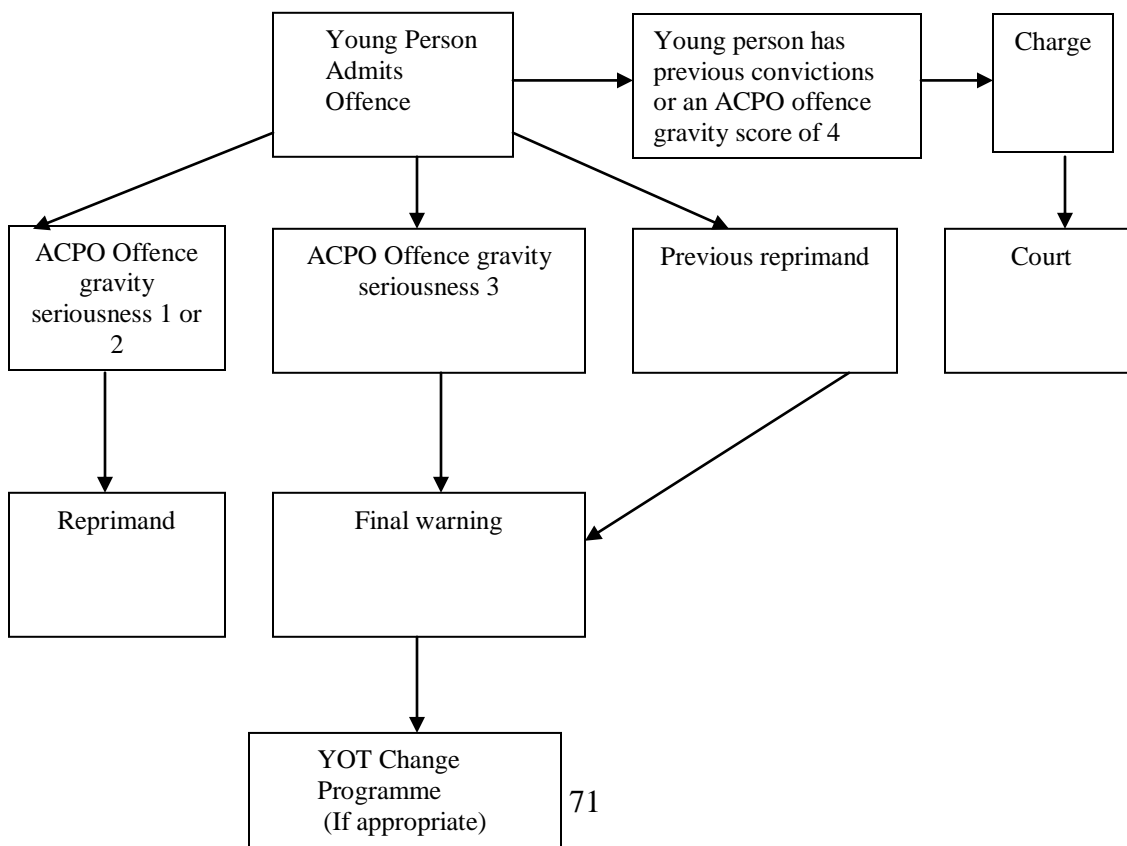
The FW was established under Sections 65 and 66 of the Crime and Disorder Act 1998 as an inter-agency collaboration between the police and the YOT. Although not intended as a functional equivalent of the juvenile caution (National Standards for Youth Justice YJB April 2000) the Act left the legal decision making for issuing the FW with the police. There is no provision in the Act or expectation in Home Office guidance on multi-agency working that the police consult with the YOT regarding this matter. Like juvenile cautions, the FW targets young offenders aged ten to seventeen where sufficient evidence exists to realistically convict them in court, they must not have been previously convicted in court and it must be deemed not in the public interest to pursue a prosecution.

Crucially, the FW allows in theory the police to divert the young offender from the court on no more than two occasions. Unlike the juvenile caution the FW does not require parental consent and the young person cannot refuse it in preference to a court appearance. The young person must also make a clear and reliable admission to all elements of the offence.

A reprimand is intended for first offenders that have not previously been convicted or cautioned for an offence and the FW is reserved for second time offenders or those who have committed a first offence that is not so serious that a charge must result. Prosecution normally follows any further offence following a FW unless there are 'exceptional circumstances' when a 'second final warning' can be issued providing two years have elapsed since the first warning (Sect.65 (3)(b)).

The FW process starts with the arrest of a young person. Providing the young person has no previous convictions, makes a reliable confession and the police are confident of securing a conviction then a reprimand or FW (rather than a charge) can be considered. This rests on the seriousness of the offence that is assessed using the Association of Police Officers (ACPO) Guidance for Final Warnings (Home Office 2000; 2001) that lists all offences that can be dealt with by a reprimand, FW or a charge. Offences are rated 1 to 4 on a scale of seriousness, with 4 as the most serious. All offences scoring 4 must be charged. A score of 3 with no previous court convictions requires a FW; a score of 2 and 1 depending upon the young person having no previous cautions or FWs requires a reprimand. The score for the offence is usually calculated by the arresting officer who takes into account the young person's antecedent history. The flow chart below shows the procedure for FWs at the time of the fieldwork.

The Final Warning Scheme (2001)



Police inspectors normally administer reprimands and FWs in ‘final warning surgeries’ held in police stations on Saturday mornings. The inspector’s role is one of decision maker who has the authority to alter the score as calculated by the arresting officer if he thinks it appropriate to do so. In the case where a FW is issued there is the expectation that the young person will volunteer for a programme of intervention with the YOT.

Final warning policy was implemented when youth crime was falling and reoffending rates for cautions were low (Hine and Celnick 2001; NACRO 2001). Nevertheless the government had become increasingly seduced (Goldson 1999, 2000; Smith 2006; Pitts 2003) by studies that recognized that a high proportion of crime was committed by a small minority of persistent offenders whose criminal careers could be identified through ‘risk factors’ that led to offending behaviour (Farrington 1996; Farrington 2007; Sampson and Laub 1993).

Risk management techniques gained substantial impetus in youth justice policy as part of the prevention paradigm. As a result the Youth Justice Board in 1999 commissioned the then Probation Studies Board at Oxford University to design the Asset Young Offender Assessment Profile based upon a wide range of risk and other factors associated with offending. Subsequently adopted as the standard procedure for all YOT intervention a revised edition for FWs was implemented in 2002. The Asset Risk Assessment Tool (hereinafter Asset) is completed by the FWO having gained the young persons consent and the ‘score’ from the assessment indicates the level of risk of reoffending and the type of intervention required. This can include an apology to the victim, voluntary financial compensation or a community activity depending upon the nature of the offence and the resources available in the local area. Should the young person refuse or fail to comply at

any time throughout the intervention, whilst not in itself an offence, it can be cited in court if a further offence materialises. Details of reprimands and FWs remain on the police national computer (PNC) for two years or until the young person reaches the age of eighteen.

Research and Evaluation Studies on Final Warnings

The fact that cautions, reprimands and FWs make up one in three of all formal criminal justice proposals is testimony to the importance of the process of diversion in response to crime. Nearly a quarter of a million offences (239,000) were dealt with in this way in 2000 (Home Office 2004). The replacement of cautions for juveniles with FWs as part of a 'new' youth justice (Goldson 1999; 2000) marked a move from diversion towards statutory intervention at the 'shallow end' of the system to prevent reoffending and manage problem behaviours (Smith 2006; Hudson 2003).

Since its inception the FW has engendered discussion surrounding the likelihood of this new mechanism preventing reoffending. The first reconviction studies of FWs were unreservedly claimed as a 'qualified success' by Lord Warner, then chair of the Youth Justice Board (YJB News, December 2001). His assertion was based upon evidence from Hine and Celnick's (2001) Home Office Reconviction Study that reported from a sample of 856 FWs, they had a statistically better outcome of around six per cent than a comparison caution group of 4718 cautions issued to young people aged between 10 to 17 in 1998 when set against the predicted level of reoffending over a one year follow up period. However there was no difference in conviction rates between those who

underwent a programme of intervention with the YOT and those who did not (Hine and Celnick 2001:16-20).

A study by Jennings (2002) made similar claims as to the success of FWs. Having compared reconviction rates following cautions in 1997 with reconviction rates from a cohort sample in 2000 she revealed overall that 25% of those receiving FWs re-offended within one year compared to 31% in the 1997 study. Claiming a reduction in reoffending of almost 15 per cent, such figures were arrived at by the deduction of raw reconviction data for the 2000 cohort (26.4) from the predicted rate based on the 1997 sample (30.9%) and then calculating this figure as a proportion of the expected reconviction figure (Jennings 2002:10). In response Smith (2003:135) made the accusation that the findings 'were in other words the most dramatic reconstruction of evidence possible'.

One of the first evaluations of the FW scheme came from Evans and Puech (2001) who indicated in their study in Liverpool that FWs were no more or less effective than cautions in their impact on reoffending rates, and at a cost considerably higher because of the resources needed to support assessments and intervention. They also found that nearly half of young people receiving FWs did not undergo any form of intervention afterwards. This is supported by Keightley-Smith and Francis's (2007) later study in Newcastle that found that earlier rehabilitative intervention has not enhanced the promotion of responsibility in young people as New Labour envisaged. Indeed they argue that early intervention was often undermined because of the failure of adequate partnership arrangements with the police, the professional values and culture of the YOT and the lack

of young people's engagement with the initiative. Ironically higher rates of reoffending following FW intervention have also been noted (Keightley-Smith 2001).

Despite the evidence questioning the value of intervention (Evans and Puech 2001; Holdaway 2001; 2003; Keightley-Smith 2001) intervention programmes following FWs over the period 2000 to 2001/2 according to the Youth Justice Board (YJB 2002:11) increased from 52 per cent to 70 percent. For Holdaway (2003) the reality of FWs is that a net-widening has taken place in part because the police no longer have the choice to informally warn a young person although as Evans (2008) points out their reinstatement has been canvassed recently.

Hine (2007) on interviewing young people after receiving a FW found they perceived their behaviour to be childish rather than criminal and as such they were passive and their participation in the process was minimal. Of significance they also thought that FW intervention was unrewarding and hence an unattractive proposition. To date researchers have been unable to find any link between the delivery of youth justice intervention and a reduction in reoffending rates (Bateman 2003; Evans and Puech 2001; Hine 2007; Holdaway et al 2001; Keightley-Smith and Francis 2007; Pitts 2005; Ros and Burnett 2004; Smith 2006).

Further criticisms have been launched at the use of the Asset in FW intervention because of its invasiveness and lack of proportionality with the seriousness of offence. As a tool

in forecasting reoffending, evaluation research carried out on the first two years of its use found a sixty seven per cent level of accuracy (Baker et al 2004). The Asset was introduced to identify the risk factors associated with offending behaviour that in turn informed the content of the programme of intervention. In pre-empting the development of criminal careers, the original Asset contained over two hundred items in thirteen sections that were exceedingly detailed⁵. For instance information was required on the young persons living arrangements, family history, education, neighbourhood and lifestyle and questions on schooling that required information on bullying, truancy and young people's relationships with teachers and their peers. In terms of its subjectivity Fox, Dhami, and Mantle (2006) found that the Asset has the potential to broaden oppressive and discriminatory practices within the youth justice system in relation to particular societal groups.

The engineers of the FW had assumed that the scheme would generate a more unified approach than the juvenile caution as it was governed by statute and supported by strict guidelines regarding its operation. However on the basis of evidence from the first year of FW operation it was not clear that the reform had made a significant difference in this respect. Evidenced in the Youth Crime Briefing (NACRO March 2003:6-7), the rate of cautioning for 15-17 year olds in 1998 varied from 69% in Gloucestershire Police Service area to 26 % in Durham Police Force. The variation in the rate of diversion during 2001 was only slightly narrower ranging from a high of 63 per cent in Surrey Police Force to a low of 27 per cent in Merseyside Police. Findings by Keightley-Smith and Francis (2007)

⁵ A revised shortened 5 page edition was produced for Final warnings in 2003 (<http://www.yjb.gov.uk/NR/rdonlyres/25C34925-58AD-430A-9178-6756B5316A4F/0/10FinalWarningGuidance.pdf>)

have demonstrated that many of the inconsistencies in police decision making associated with the caution system have persevered in their study area. This is supported by inconsistencies in practice found elsewhere. Holdaway for instance found that from an analysis of 1,700 FW decisions made in four areas one per cent received two reprimands and two per cent received two FWs within the two year time scale (Holdaway 2001:72). Evans and Puech's study in Liverpool also uncovered that from 900 FWs 6.5 per cent received a reprimand after a FW had been issued (Evans and Puech 2001: 803).

One reason for these contradictions may be that the police do not pay any greater attention to processes and procedures in FWs than was the case with cautions. Holdaway (2003) in his study entitled *The Final Warning: 'appearance and reality'* refers to the fact that the police often ignored due process procedures and were often indifferent as to whether there was a reliable admission to an offence or indeed that any clear evidence that an offence had been committed. Police officers also relied on the criteria of sufficient evidence to charge rather than a full and complete admission. In other cases he noted that the police used FW guidelines to justify their decisions rather than inform them (see Pragnell 2005). This has been followed up by academic lawyers who have scrutinised the legality of FW legislation (Dingwall and Koffman 2006; Gillespie 2005) and found that it denies young people the right to contest the police evidence against them and thus sheds doubt about whether FW are consistent with children's rights (Dingwall and Koffman 2006).

Owing to these concerns in 2006 Home Office Circular (14/2006) *The Final Warning Scheme* attempted to seek greater consistency between police force areas in reprimands and FWs and to limit police discretion through consultation with the Crown Prosecution Service (CPS). The purpose of this circular was to provide additional guidance and in part update the *Final Warning Scheme: Guidance for the Police and Youth Offending Teams* published in November 2002. The Circular informs that the police still take the decision to issue a reprimand or FW in all summary and triable either way cases, but the decision to issue a reprimand or FW for an indictable only offence must be taken by a crown prosecutor.

Conclusion

This chapter has explored the nature of police discretion in diverting young offenders from formal prosecution. Two themes can be identified. Firstly the ways in which police officers have used discretion has resulted in numerous challenges in standardising practice through Home Office Circulars and police force policy that to a large extent have all failed at one time or another to engender greater uniformity in practice. Secondly, early findings from FW research suggest that FW legislation may have only limited impact on reducing the disparities found in the juvenile caution.

In order to contextualise the study the next chapter turns to the research area and explores the processes and mechanisms of the FW in the north east of England.

CHAPTER THREE THE FINAL WARNING AND THE LOCAL CONTEXT

Introduction

This chapter is concerned with the implementation of the FW in the study area. The purpose of the chapter is to describe the FW procedure and the locality and the socio political context of the research area in which it operated. The chapter is structured as follows. First, the research site is illustrated and the governance of crime control in the study area is outlined. Next, the local policy context in which the FW evolved is reviewed. The conclusion points to issues that are taken up later in the thesis.

The Research Site

Situated in the northeast of England, at the time of the fieldwork the city of Newcastle upon Tyne was forty per cent built environment consisting of residential housing, industry and commerce and sixty per cent open land. Of the built area over 60 per cent was used for housing and 18 per cent for industry and commerce. The open land was chiefly in agricultural use. The majority of the city can be described as either urban or suburban, however in the northern part of the city there are some rural areas mainly enclosed in the electoral wards of Castle, Westerhope and Woolsington to the north and west of the city. These areas account for approximately one third of the geographical area

of the city and house around 32,000 residents which are approximately 11 per cent of the total population and forms almost one third of the geographical area of the city.

Newcastle is a unitary authority that has important industrial, transport and commercial centres. At the time of the fieldwork more than 279,000 people resided in the city (Newcastle City Council 2002 Children and Young people), 143,000 people worked in the city of which eighty per cent of whom were employed in the service sector, central and local government, and education and health services.

Newcastle was built on the Roman settlement Pons Aelius the eastern terminus of Hadrian's Wall and its name is derived from the wooden 'New Castle' built by William the Conqueror's eldest son in 1080 as a defence against the Scots (Colls and Lancaster 1992). Newcastle was seized by the Scots in 1646 and the colloquial term 'Geordie' used to describe those who originate from Newcastle has its roots in the support for George 1st against the Scottish Jacobite rebels (ibid). Coal and woollens were exported as early as the 13th century, and coal after the 16th century became the chief export. The George Stephenson iron works was established in 1823 where the first locomotives for the Stockton and Darlington railways were made. Shipbuilding was a major industry by the 19th century (Hollands 1997a; 1997c). Among local landmarks are the remains of the 13th-century town walls and the largely 14th century cathedral of St Nicholas. The city has numerous art galleries and museums, and is the home of the Northern Sinfonia Orchestra and is the third base of the Royal Shakespeare Company. Newcastle is the seat of the University of Newcastle upon Tyne (1851), the University of Northumbria (1992),

and the Royal Grammar School (1525). Before 1974 Newcastle upon Tyne was the county town of Northumberland.

Newcastle has presented with variances in socio economic circumstances across ward boundaries. In 2001, the unemployment rate for the city was eleven per cent compared with the national average of seven per cent and in some wards this increased to 20 percent (Newcastle City Council 2002). From a total of 373 districts the city was rated 10th in terms of unemployment, 18th in terms of low household incomes and 26th in the most deprived district in the UK (ibid). Over 41,075 were claiming benefits in 1999-2000 which is approximately 20 per cent of households compared to 15 per cent of households in the UK. Lone parents constituted 20 per cent of those households containing children in need. It can be suggested that these factors had, and continue to have, a significant impact on the life chances of young people within the city and a bearing on the level and nature of crime and victimisation and on the numbers of young people likely to come into contact with the Newcastle YOT (Youth Justice Plan 2001/2002). Diagram 3.1 below illustrates the ward map in Newcastle at the time of the fieldwork. This predates the boundary changes made in the Newcastle Boundary Order (2004) that created 26 boundary areas.



<http://www.newcastle.gov.uk/pr.nsf/a/censuswardmap>

At the time of the fieldwork crime rates in Newcastle varied substantially across ward boundaries. During 2001-2002, the wards of East Byker, South Heaton, Walker and large parts of Benwell, Scotswood and Elswick had the highest crime rates. These wards were also listed in the 10 per cent most deprived areas in Newcastle. Crime featured less in the wards of Jesmond, Gosforth, Dene, North Heaton and Westerhope wards that had the lowest deprivation index score in the city (Newcastle City Council 2002). In 2002, levels of child poverty had an average deprivation index score for all wards of 46.9 indicating that just under half of the young people in the city were living in relative poverty. The numbers of lone parents in the city boundary was approximately one and a

half times the national average and ten per cent more children than the national average were raised in families dependent on income support (ibid).

Young people in Newcastle

Newcastle upon Tyne at the time of the fieldwork (2002) was home to a diverse population of 259,541 of whom 23,158 were white young people aged 10-17 (Newcastle City Council Population - Past Estimates and Trends 2002). The population of non whites that consisted of largely Pakistani, Bangladeshi Indian and Chinese was 10,551 and 1524 of those were aged 10-17. The gender mix for the white 10-17 group was 11,403 females and 11,756 males and for the non white 10-17 aged group the figures were 707 and 817 respectively. This showed an overall reduction in the youth population of 3,500 from the preceding year (Ofsted School Inspection Report 2002). Table 3.1 below illustrates the ethnicity of the population of Newcastle in the city and those young people aged 10-17 that represent as potential clients of the YOT.

Table 3.1

Population of the Youth Offending Team Area Aged 10-17 by Gender and Ethnicity
2000-2002

Ethnicity	Total Population	10-17 Years Population	
		Female	Male
White			
British			
Irish			
Any Other White Background			
Total for White	248,990	10,696	10,939
Asian or Asian British			
Indian	2,198		
Pakistani	2,920		
Bangladeshi	1,300		
Any Other Asian Background	979		
Total for Asian or Asian British	7,397		
Black or Black British			
Caribbean	196		
African	496		
Any Other Black Background	258		
Total for Black or Black British	950		
Chinese or Other Ethnic Groups			
Chinese	1,213		
Other			
Total for Chinese or Other Ethnic Groups	1,213		
Other Non-White	991		
Total Non-White	10,551	707	817
Overall Total	259,541	11,403	11,756

The school population showed low levels of school achievement as only 33.8% of pupils gained five or more GCSE passes at grade C or higher, against the national figure of 50 per cent. Attainment on entry to school was also below the national average with Key Stage 2 standards in English, mathematics and science falling substantially below those found in similar authority's nationwide (Ofsted 2002).The rate of secondary school attendance throughout 2000 to 2002 was 89.3 per cent set against the national figure of 90.8 per cent. Sixty per cent of the schools in the city reported a pupil transition rate of more than 15 per cent during this period. Approximately 1100 pupils between the ages of 11 to 16 attended independent schools (DTLR 2002).

At the time of the fieldwork youth crime was on the decrease in the city, however this may have been indicative of the decline in young people in the city (see Newcastle Youth Justice Plan (2001/2002:17). The Newcastle Crime and Disorder Audit (2002) reported that between April and December 2000 the total number of offences committed by young people below the age of eighteen that resulted in a police reprimand, final warning, summons or charge was 3,235. This represented a decrease of 16 per cent over the same period in the previous year (ibid). Included in this figure were decisions to divert from prosecution (reprimands and final warnings) that fell by 25 per cent whilst decisions to prosecute by summons or charge fell by twelve per cent. During the same period incidents of youth disorder reported to the police also fell by 10.75% (Youth Justice Plan 2001/2002: 18).Table 3.2 below shows the numbers of young people receiving Reprimands and Final Warnings from the first six month period of implementation from June to December 2000 by age and gender. Table 3.3 documents the data by ethnicity.

Table 3.2

Reprimands and Final Warnings Issued by Age and Intervention for period 01.06.2000 – 31.12.2000

Decision	10yr		11yr		12yr		13yr		14yr		15yr		16yr		17yr		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Reprimand	30	6	27	13	41	29	54	51	52	53	76	59	47	38	35	25	362	274
FW no Intervention	3	1	9	2	8	6	22	3	27	9	21	15	29	9	23	7	142	52
FW/with Intervention	3		1		5	1	4	1	1	4	1	7	4		1		20	13
Total	36	7	37	15	54	36	80	55	80	66	98	81	80	47	59	32	524	339

Table 3.3

Reprimands and Final Warnings Issued by Ethnicity for Period 01.06.2000 – 31.12.2000

Decision	White	Mixed	Asian or Asian British	Black or Black British	Chinese or other ethnic	Not Known	Total
Police Reprimand	608	2	20	4	2	0	636
FW without intervention	183	0	8	2	0	1	194
FW and Offending Programme	33	0	0	0	0	0	33
Total	824	2	28	6	2	1	863

Taken from Newcastle upon Tyne Youth Offender Team Plan (2002)

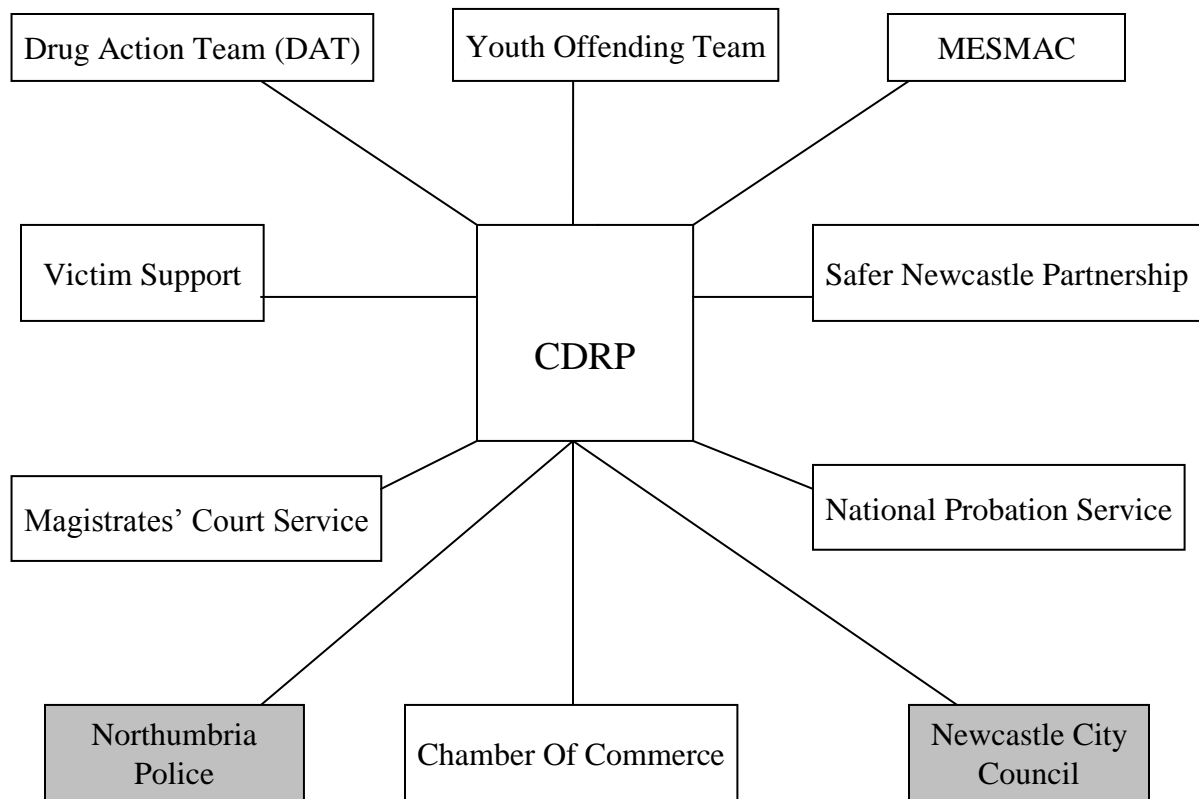
The Governance of Crime in Newcastle upon Tyne

Newcastle Crime and Disorder Reduction Partnership (NCDRP)

In accordance with the Crime and Disorder Act (1998) the governance of crime in Newcastle upon Tyne was the responsibility of the Newcastle Crime and Disorder Reduction Partnership (NCDRP). As detailed in Chapter one, Crime and Disorder Reduction Partnerships (CDRP) reflected New Labour's avowed commitment to multi-agency collaboration at the local level (Crawford 1997). Tasked with the development of

strategies to tackle local crime and disorder, CDRPs were led by ‘responsible authorities’ identified as the local authority council and the local chief officer of police. Following amendments made to the Police Reform Act (2002) the NCDRP expanded to include the Fire Authority and Primary Care Trusts (Newcastle Crime and Disorder Audit 2002). NCDRP was implemented in 1999 and joined an already existing and successful regional practice of community safety and partnership working. Northumbria Community Safety Partnership that covered Northumberland and Tyne and Wear and preceded the Crime and Disorder Act 1998 was detailed in the Home Office Guidance for Local Partnerships as providing evidence of good practice (Hough and Tilley 1998). Alongside this, the previous work of Northumbria and Tyne and Wear Community Safety Partnership Group and the Safer Newcastle Partnership also received similar recognition for their work. Within the study timeframe the NCDRP met on a quarterly basis chaired by the Chief Executive of the city. Following a political shift from Labour in 2004 the NCDRP was chaired by a Liberal Democrat Councillor. Diagram 3.2 below details the lead responsible authorities (shaded) and the member organisations of the NCDRP in 2001.

Diagram 3.2 Lead Responsible Authorities and Member Organisations of the NCDRP in 2001.



The governance of crime control as of 2005 came under the umbrella of the nationally agreed Local Strategic Partnership (LSP). LSPs were established to provide the link between the local community and central government to tackle entrenched local problems through a variety of responses from different partners (<http://www.neighbourhood.gov.uk>. November, 20th 2006). The Newcastle LSP chaired the Newcastle Safer Partnership that was set up as a sub merger of the Drug Action Team (DAT) and NCDRP as a single non-statutory multi agency body to involve the public, private, community and voluntary sectors in the governance of crime control in the city.

Previously young offenders were dealt with by the youth justice service within the Social Services Directorate (SSD). As part of the more punitive climate adopted by New Labour the management of young offenders was repositioned into the community safety directorate to be governed by local YOTs (Goldson 2000). The YOT in Newcastle since its inception has remained within the Children's Services of the Social Service Directorate as an indicator that it would operate with a 'child centred' value base.

In line with legislation Newcastle City Council formed the YOT with staff from social services, the probation service, Northumbria Police, the health service and other relevant agencies (Newcastle Youth Justice Plan 2000/2001). Headed by a YOT manager appointed in May 1999, his primary responsibility was to compile the annual Newcastle Youth Justice Plan that reflects the objectives set down by the NCDRP. In 2000, the Newcastle YOT Plans stated aims were to contribute to a reduction in the level of youth crime through work in early intervention and through the creation of links with local and national sentencers to process cases more swiftly through the court (Newcastle Youth Justice Plan 1999/2000).

At the time of the fieldwork, Newcastle YOT was overseen by a Board structure that consisted of senior management representatives from statutory and voluntary sector organisations. The Board met on a quarterly basis and was chaired at the time by the Director of Social Services on behalf of the Chief Executive of the Council. Detailed in below are the Board member organisations for the period 2001-2001.

Table 3.3

Members of Newcastle YOT Board 2001

Agency	Representative
Social Services Directorate	Director of Social Services
Social Services Directorate	Head of Childrens Services
Education and Libraries Directorate	Assistant Director
Northumbria Police	Area Commander
National Probation Service	Divisional Director
Newcastle PCT	Director of Commissioning

Newcastle Youth Justice Plan (2000/2001).

As discussed earlier, Newcastle YOT remained within the SSD and the staff recruited to the team during the first two years of operation worked within their occupation of origin. The core staff of the team was professionally trained social workers, many having migrated from SSD youth justice, who provided specialist pre sentence reports to the court and final warning intervention. The sole police officer seconded to the YOT took the lead role with victims and provided offence related data to the team albeit for a brief period. The education welfare officer worked with educational establishments and the health worker provided a service mainly related to drug misuse. In addition YOT assistants assumed the role of appropriate adult and also lent support to the case managers. Sessional workers covered the appropriate adult service at evenings, weekends and public holidays. Table 3.4 details the core staff profile of the Newcastle YOT as of January 1st 2001.

Table 3.4 Staff profile of the Newcastle Youth Offending Team January 2001

Positions	Number of posts
YOT Manger	1
Education service	1
Health Authority	1
Police service	1
Social services (social workers)	7.5
NACRO bail support	4
Careers Advisors	1

(Taken from Newcastle Youth Offending Team Plan 2000-2001)

The new YOT carried on providing the same initiatives that the previous SSD youth justice had for the first two years of its operation that not only reflected the occupational culture of the team but also the profound difficulty in recruiting YOT staff in the early years of its operation. At the implementation of the Newcastle YOT the initiatives available were:

- *The Appropriate Adult Scheme.* A service provided by the SSD Youth Justice Team and Emergency Social Services Family Duty Team to safeguard young people [in the absence of a legal guardian] at the police station.
- *Bail Information and Support.* Assisting young people to secure appropriate bail accommodation provided by NACRO in partnership with the SSD.
- *Remand to Local Authority Accommodation.* Managed by the SSD Youth Justice Team, with residential services provided by the SSD Children Services Section
- *Court Ordered Secure Remand.* Provided by the SSD Youth Justice Team.
- *Remand in Custody.* A service managed by the SSD Youth Justice Team in partnership with the NACRO Bail Support project

- *Court Duty.* Provided by the SSD Youth Justice Team and Northumbria Probation Service to provide court reports for sentencers.

Three new initiatives were to be implemented as set down by the Crime and Disorder Act 1998, however only one of them was operational at the roll out of the Newcastle YOT.

These were:

- *The Final Warning Scheme.* The scheme commenced in Newcastle in June 2000 as an interagency collaboration between Northumbria Police and the YOT.
- *Reparation Order.* This service was to be developed over the first two years of operation to meet the requirements of the new legislation. The lead responsibility was to be taken by the Northumbria Police officer seconded to the YOT. The scheme was not in operation for the first two years.
- *Parenting Orders.* The intention was to develop practice guidance in relation to utilising this order working in collaboration with external providers. This scheme did not operate until 2003.

Policing in Newcastle

Northumbria police as part of the police service in England and Wales has been obliged to respond to the mooted changes to policy and legislation during the last two decades (Cooper and Burrell 1988). The Conservative government's pledge to making public services more 'business like' extended to local police forces and police authorities. Under the Police and Magistrates' Courts Act 1994 the conventional role of the police authority as a principally elected appendage to the County Council was considerably thinned down for greater efficiency. This reduced the membership of the local police authorities from

approximately 30 to a maximum of 17 (Cherry man and Bull 2000). The 'new police authorities' selected independent appointments with the aim of capturing a wider social representation of the community (although the outcome is that representatives are significantly from business or professional backgrounds see Loveday 1996) to work in partnership with their local police force. The intention was to produce mandatory police plans on a yearly basis and manage national objectives and local priorities 'without to much difficulty' (Butler 2000:307).

The city of Newcastle upon Tyne is policed by Northumbria police that dates back to 1974. Prior to this it was named Northumberland Constabulary until the areas covered by the old Gateshead, South Shields and Sunderland forces were removed from the Durham Constabulary and joined with Northumberland Constabulary to form Northumbria Police. These mergers coincided with local government reorganisation and the formation of the Metropolitan County of Tyne and Wear which was disbanded in 1986. The boundaries of the force however remained the same.

Geographically the force accommodates the district of Tyne and Wear and is the seventh largest police force in England and Wales with a resident population of approximately 1.4 million covering 2,150 square miles. (Best Value Performance Plan 2002/2003). Diverse in character it incorporates large rural areas of the Scottish borderland, County Durham and Cumbria to the densely populated urban conurbations of Tyneside and Wearside. Northumbria Police Authority is the statutory body that sets policing priorities, monitors police performance and has responsibility for community liaison and consultation. The

authority consisted of seventeen members drawn from representatives from the local councils (9) magistrates (3) and independent members of the public (5).

The police traditionally have a long history with youth justice. Under the current youth justice system individual police officers are seconded onto YOTs to work in various capacities such as provide information about victims or front initiatives such as referral orders. Police forces nationally work in partnership with YOTs on the FW scheme and in Newcastle the FW is collaboration between Northumbria Police and the Newcastle YOT.

Northumbria Police force geographically covers the area of Northumberland and Tyne and Wear. The force is the seventh largest in England and Wales and at the time of the fieldwork had a resident population of approximately 1.4 million covering 2,150 square miles (Best Value Performance Plan 2002/2003). Northumbria police have an unparalleled record in tackling crime. From 1992 onwards crime has fallen by almost 40% in the region and Northumbria Police had become the only force in England and Wales to have reduced crime over eight consecutive years (<http://www.northumbria-police-authority.org/about.htm>). Employing more than 4000 officers the force was divided into 15 police basic command units (BCUs), four of which covered the city of Newcastle. Newcastle East, Newcastle West, Newcastle North and Newcastle Central BCUs were each headed by a superintendent and supported by five police inspectors tasked with responsibility for the day to day operational running of the stations. The diagram below shows the four BCU boundary areas at the time of the fieldwork. As of April 2004 the city of Newcastle became one BCU as part of Northumbria police forces reduction to six BCUs across the force area.

Diagram 3.4 Northumbria Police BCU boundaries in Newcastle 2001-2002



Final Warning surgeries took place in the headquarters of three of the four BCUs with the young offender attending the police station that had jurisdiction over their residential area. As Newcastle Central is chiefly a commercial area with very few residential properties it did not operate a FW surgery.

In terms of boundary size, population and crime trends the BCU areas differed. Newcastle North BCU was one of the largest and busiest areas within the Northumbria Police boundaries. It stretched from Jesmond Dene in the east to the cities border with Northumberland at Heddon on the Wall in the west, and from the city centre in the south to Seaton Burn in the north. The North BCU extended over twenty eight square miles and included 12 city council wards plus some parts of Weetslade Ward in North Tyneside. In addition, five parish councils and three Members of Parliament had all, or part of their constituencies within this BCU that had responsibility for Newcastle International Airport, Newcastle Falcons Rugby Club, Gosforth Park Racecourse and the annual Town Moor Hoppings (see Newcastle North Police Plan 2002/2003).

Maintaining continued reduction in overall crime proved difficult for this BCU during the time of the fieldwork and between September and January 2001 crime increased in the recording of minor assaults and in criminal damage, most of which according to one inspector was ‘associated with the behaviour of young people on estates acting in a disorderly manner’(I:13). Both of these areas were listed as main priorities for the following year and from April 2001 the North BCU had conducted over 200 intelligence driven operations to target criminals and tackle specific policing problems (ibid).

Newcastle West BCU at the time of the fieldwork was populated by approximately 68,000 residents with a diverse mix of ethnic groups speaking more than 40 different languages. In part this was attributed to the events in the Balkans and Afghanistan throughout the 1990s that witnessed an increase in the number of asylum seekers from 800 in September 2000 to over 2050 in October 2001 living within the city (New Deal for Newcastle West Delivery Plan Strategic Objective 2002/3). The boundary area for this BCU extended to the A1 Western bypass and covered a relatively small geographical region of four square miles. The council wards of Scotswood, Elswick and Benwell fell within this Basic Command Unit. Residential properties were mainly council, housing association, or private rented. The Newcastle West Basic Command Unit operated a proactive policing approach to tackling crime and disorder through partnership arrangements with Newcastle City Council, and City-Works agencies (see Newcastle West Police Plan 2002/3).

The Newcastle Central BCU covered the geographical area of the city centre. The area had a residential population of 4000 that expanded to 8000 during university term time.

The policing priorities included tackling burglary, vehicle crime and youth disorder. To combat disorder in the area increased truancy patrols and training for door supervisors was implemented (see Newcastle Central Police Plan 2002/3).

The Newcastle East BCU covered a geographical area of approximately eight square miles that included the ward boundaries of Dene, Jesmond and Sandyford on the inner east wards and Byker, Walker, Monkchester and Walkergate on the outer east wards. It was successful in attracting a wide range of people into the locality including families and young professionals. The area also had a vibrant student population. Continuing development, including the opening of a major retail outlet in the autumn of 2002, highlighted the positive impact of the regeneration policy.

With a resident population of 73,000 the nature of crime within the area reflected that found in many other large urban localities such as burglary, vehicle crime, and significant numbers of domestic assaults. The East BCU had extensive experience of working with partner agencies in their pursuit of crime reduction some of which included Newcastle Community Safety Partnership, Northumbria Police, HealthWorks, East End Racial Harassment Support Group, Probation Service, Nexus, Newcastle Safer City Unit, City Council City Works Directorate, and DIVA - Newcastle Domestic Violence Forum. The area also had a recorded crime rate of 263 per 1000 households that was less than the city as a whole (279/1000 households) but higher than the national rate (234/1000 households). The burglary rate was 26 per 1000 households that was also higher than the city as a whole (25 per 1000), and the national figure (18 per 1000). The national targets

were to reduce the level of crime so that by 2005 no local authority area had a domestic burglary rate more than 3 times the national average. The local objectives for the East BCU were harassment and anti social behaviour and to reduce the disproportionate impact of disorder on vulnerable groups that was in the main caused by local youths in the area. Alongside this the East BCU formulated Key Local Targets to reduce domestic burglary rates by 25% by 2005, violent crime by 3% by 2005, and car crime by 30% by 2004.

The Focus Caution Scheme

Owing to the level of youth crime and the impact on local residents the FCS was created in the East BCU area. The origins of Focus Cautions Schemes nationally can be found in police Home Office Circulars (14/85) and (59/1990). As shown in chapter two these circulars not only urged greater consistency in caution practice but also recommended the use of inter-agency working to prevent further offending. Commonly known at the time as Caution Plus Schemes, twenty-four police forces had adopted them by 1994. Research suggests that variations in terms of type and level of intervention across local force areas were common (Wilkinson and Evans 1997).

In Newcastle the FCS in the East BCU in many ways acted as a precursor to the incoming FW scheme. Established in April 1999 the project was an interagency partnership between the pre 1998 SSD youth justice and the Newcastle East BCU. The origins of this initiative can be traced to a small scale study undertaken by Northumbria Police in 1995 entitled *Persistent Young Offenders*'. The study found that more than twenty per cent of those young people receiving a second caution resided in the

Newcastle East BCU and that youth offending was impacting on the resident's quality of life. The report recommended the use of intervention strategies for those young people considered at risk of further offending and proposed a multi-agency collaboration between the Newcastle East BCU and SSD youth justice that became known as the Focus Caution scheme. In readiness for the national roll out of the FW scheme it was anticipated that the FCS would inform policy and practice with FWs and consequently an evaluation study (Keightley-Smith 2001) was commissioned by Newcastle Crime and Disorder Partnership to monitor the change over period from FCS to FWs.

Funding for the FCS came through a successful bid by Northumbria Community Safety Partnership in the Single Regeneration Budget Round 4 '*Tackling Youth Crime*'. Finance of £80,000 was granted to provide programmes to divert young people away from crime to be split between Newcastle East and Newcastle West BCUs. Newcastle West implemented measures to tackle anti social behaviour and Newcastle East set up the FCS. The FCS was financially controlled through Newcastle Council Financial Services Social Services Directorate and approval for the scheme was granted by Gateshead Borough Council (who were responsible for the Police Authority) in March 1999. Set up in April 1999, the FCS became operational in September 1999 and ran until June 2000 when the FW took over (Keightley-Smith 2001).

The objectives of the FCS were to identify and work with young people at risk of offending, to develop intensive packages of intervention and expand on inter-agency working practices in advance of the implementation of relevant parts of the Crime and Disorder Acts Final Warning scheme (Keightley-Smith 2001). A steering group was set up to oversee the running of the project that incorporated representatives from Newcastle

East BCU, Newcastle West BCU, Northumbria Probation Service, SSD Youth Justice, Newcastle City Council and the Safer Newcastle Partnership.

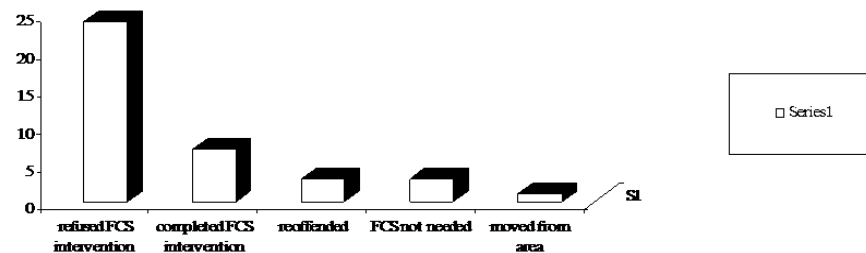
The FCS was staffed by a social worker seconded from Newcastle SSD youth justice to provide risk assessments and intervention where appropriate to young people who had received a second police caution. The procedure followed that those young people who resided in Newcastle East who were due to receive a second caution appeared before a designated police inspector on a Saturday morning in East BCU headquarters. The inspector issued the caution and stressed to the young offender the seriousness of their behaviour and the possibility of them undergoing a programme of intervention to help them resist further offending. With the young person's consent a risk assessment was undertaken by the youth justice worker and where appropriate a package of intervention was designed that typically involved the young person undergoing worksheets to challenge their offending behaviour. Community activities with partner agencies such as the national Fairbridge Organisation and YMCA initiatives or attendance at the local Combating Crime and Anti-social behaviour programme were also encouraged (Keightley-Smith 2001).

The evaluation of the FCS drew upon limited data. Caution statistics from the East BCU from April 1999 to June 2000 which was the designated time span for the FCS were made available (Keightley-Smith 2001). Data on the numbers of young people who were risk assessed and the level and type of intervention they received were compiled by the youth justice worker.

The caution data confirmed that the East BCU had issued 307 cautions to young people aged ten to seventeen during the FCS lifespan. Whether these were first, second or even third cautions could not be extrapolated from the data and as such, there is no way of knowing how many second cautions were issued to young people during this period although it might be presumed that around half of this figure would be for second and subsequent cautions (Youth Justice Audit 1999). In total the East BCU referred 38 young people onto the FCS. The outcomes of these referrals are detailed in diagram 3.5 below.

Diagram 3.5 Outcomes of Young People Participating in the FCS in Newcastle East

BCU April 1999 to June 2000



As the diagram shows, of the 38 young people referred to the project only seven (six males and one female) received intervention from the youth justice worker throughout the project time span. Of the remaining 31, twenty four refused to participate in intervention, three young people were assessed as low risk and not offered intervention and a further three were charged with further offences before the assessment took place that made them ineligible for the scheme. One young person changed address placing them outside of the project boundary area.

The findings from the evaluation of the FCS were to be taken as lessons to be learned for the incoming final warning scheme. The report concluded that certain project objectives had been met. Qualitative statements from five of the seven young people who had received intervention spoke of the benefits of the project in terms of raising their awareness of crime and the law. Links were also made with local educational workers and youth service providers to offer further support to young people.

In other areas various process issues emerged which appear to have influenced the development and progress of the FCS. During the initial months confusion arose as the police referred both first and second cautions despite the fact that the aim of the project was to target and deliver work with those having received a second caution. The decision to intervene at this level was fostered by advice from the youth justice team that intervention at the first caution was superfluous, and advice in the 1994 Home Office Circular that recommended that the main purpose of multi-agency working and consultation was to advise on second and subsequent cautions.

The low levels of police referrals to the scheme and the numbers of young people agreeing to intervention were very disappointing (Keightley-Smith 2001). Difficulties in staff recruitment also provided a notable challenge as the FCS steering group had anticipated that a full time worker would be employed for a period of two years and commence duty by May 1999. The post wasn't filled until August 1999 and annual leave, followed by illness postponed his start date until November 1999. There was no evidence to support work having been undertaken with young people during this period.

At the onset of the project there was a lack of cooperation between the police and the Youth Justice worker in organising caution 'surgeries' at appropriate times. The youth justice worker was not always available to attend on Saturday mornings and as a result the young person would not receive notification of the benefits of the FCS until the following week by which time the young person has lost interest. Moreover the project was delivered by a 'social worker' that hampered take up amongst young people. This may have been the result of scandals at the time that had severely undermined the social worker professions image. Indeed more than a third of the 1000 people questioned by the Guardian Newspaper believed social workers were 'ineffective and interfering' (Guardian Society March 15 2001).

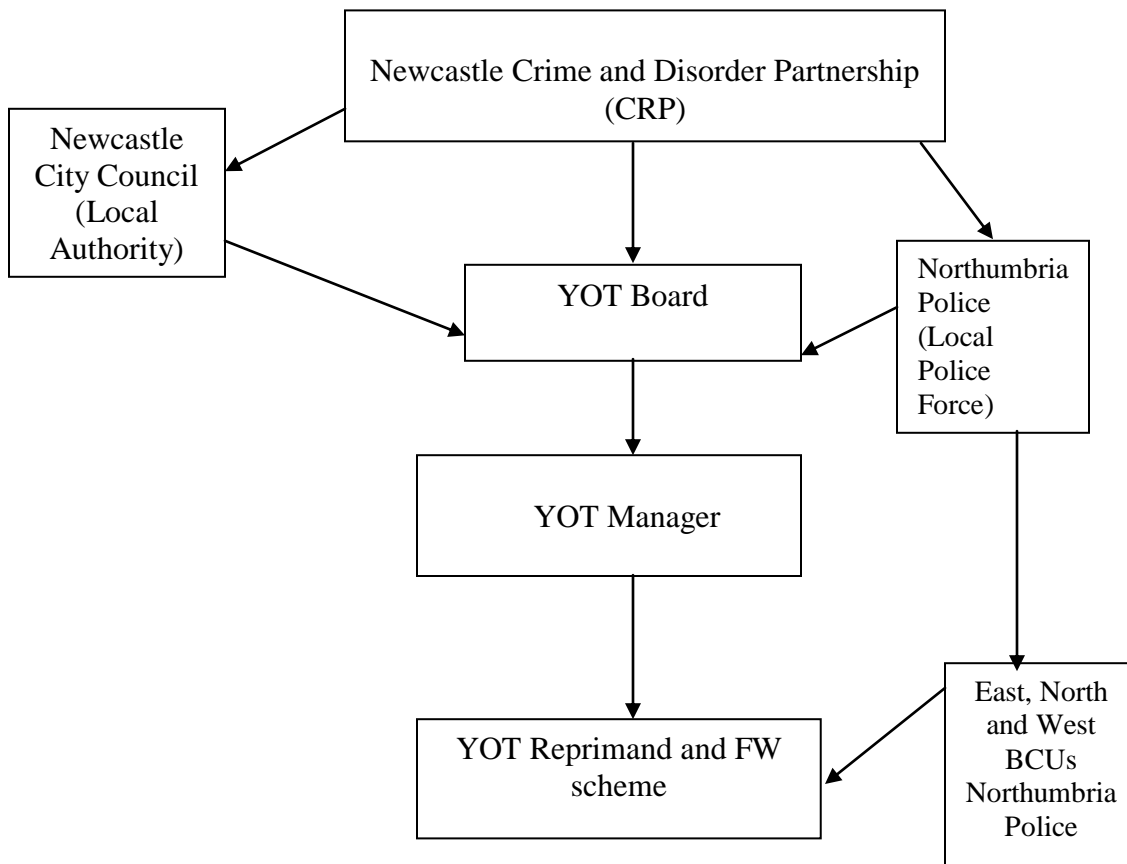
The differences in occupational culture whether real or perceived created poor levels of communication as neither the youth worker nor the police could see any benefits in a joined up approach. Compounded with agency representatives on the steering group not assuming responsibility for the project, the picture as a whole did not bode well for the incoming FW (Keightley-Smith 2001).

The Final Warning Scheme

The FCS ended in June 2000 the result of the national roll out of the Reprimand and FW scheme. The delivery of the FW in Newcastle on a citywide basis was enhanced by a YJB grant of £92,575 from a pooled budget of £339,000 for the Newcastle YOT for the financial year 2000/01. The remaining SRB4 funding for the FCS financed the change over to the FW until March 2001 as the FCS youth justice worker was transferring to the YOT to take over responsibility for FWs.

However from the outset it was acknowledged by the YOT manager that there was a shortfall in FW funding. As it was a prime revision in the arrangements for working with young offenders the YJB had set a target that 80 per cent of FWs should be followed up with intervention and in pre-empting insufficient resources the Newcastle YOT lowered this target to forty per cent (Keightley-Smith 2001). In the absence of guidance from the YJB about a funding formula each of the partner agencies decided autonomously what their contribution would be to the costs of the service. It was agreed that the work of the team would be monitored over the first year and the budget would be re-assessed and negotiated for the 2001/02 Youth Justice Plan (Keightley-Smith 2001). Diagram 3.6 below shows the extended lines of accountability for the FW scheme in the city at the time of the fieldwork.

Diagram 3.6 Lines of Accountability for the Final Warning in Newcastle (2001)



The procedure for FWs in the study area followed that Northumbria police issued FWs in surgeries delivered in three of the four BCUs on Saturday afternoons. Where possible, the FWO attended one of the surgeries usually the one with the most FWs listed. When he was not in attendance it was anticipated that police inspectors would fax the details of those young people who had been issued a FW to him the following day. Where resources permitted the FWO then made contact with the young person to make arrangements for a home risk assessment with the purpose of determining the suitability of intervention (commonly known as the Change programme). What constituted a completion of the Change programme in Newcastle was defined as the young person having one meeting with the FWO.

The plan for the FW was based around the recruitment of a second social worker to provide intervention. As was the case with the FCS, difficulty in recruiting/seconding staff to the team was encountered that resulted in fewer than the anticipated numbers of young people receiving intervention. From the period 1 June 2000 to 31 December 2000 which was the first set of data compiled for the FCS/Final Warning Evaluation (Keightley-Smith 2001) one hundred and ninety four FWs were issued across the city. Thirty three young people participated in the Change programme that translates as approximately an 18 percent rate of intervention during this period set against a government target of 80% (Newcastle Youth Offending Team Plan 2000/2001:65).

Poor communications between the YOT and the police was an over spilling theme from the FCS as was the early indications from the quantitative data that showed only negligible intervention with young people had taken place. The lack of young people's engagement with the scheme, the implementation of effective monitoring systems and

contingency plans to make available the Change programme to all young people issued FWs was noted as a priority for the YOT for the coming year 2002 (Keightley-Smith 2001).

More recently the Newcastle Partnership Board Position Statement (2005/2006) revealed that FWs supported by interventions still remained an area of concern and those targets were not being met despite new staffing levels in the YOT.

(<http://www.newcastle.gov.uk/wwwfileroot/socialservices/children/YOTBoardPosSment0905.pdf> October 17th 2008)

Conclusion

This chapter has described the background to the FW in the study area and how it was implemented. To set the scene for the study the research site was illustrated and the past and present governance around youth crime in the city outlined. The city has a long history of inter-agency working in community safety and crime control however the FCS presented as less than harmonious in terms of its operational practice and fostering of relationships between the police and youth justice as the lessons learned from the FCS were not taken on board. Young people's participation in intervention remained minimal that raises concerns regarding the strategy for effective partnership working and statutory early intervention in the city, a theme that is returned to in chapter seven.

CHAPTER FOUR METHODOLOGY

Introduction

This chapter describes the methodology used in this PhD study, justifies the methods selected and reflects on the research process. The chapter is structured as follows. First the research area is defined and how it developed is explained. Next, the methods selected for the study and the structure for data analysis is outlined. Lastly, the practical implementation of the methodology and the ethical deliberations that were encountered in the field are discussed.

Defining and Developing the Research Area

The origins of this thesis are located in a PhD studentship that was funded by the Newcastle Crime and Disorder Reduction Partnership (NCDRP). A requirement of the funding was that evaluations of specific local crime reduction initiatives detailed below would be undertaken.

- *Domestic Violence Alarm Initiative*. A local community initiative designed to offer protection to victims of domestic violence
- *Combating Crime and Anti Social Behaviour Scheme (COCASB)*. A local project intended to reduce anti social behaviour and prevent potential tenancy enforcement

- *Focus Caution Scheme/YJB Final Warning*. A local project in one police command area designed to provide intervention to young offenders at the second caution stage and act as a precursor to the citywide FW

Although the studentship determined the research site I was able to choose the specific research topic for my thesis.

Hammersley and Atkinson (2007), Francis (2000) and Bryman (2008) recognise that pragmatics can play a role in topic selection and study design in which the availability of data is a reason to pursue a particular subject. For the purpose of manageability it seemed useful to adopt this advice and select a topic for my PhD investigation that coincided with the evaluation studies I was undertaking as gate keeping and access to data was managed by the NCDRP. The possibility of including data from all of the evaluation studies was considered in an attempt to understand how community safety translates into practice within a multi- agency framework in a Northeast setting. In exploring the literature, questions had already been addressed at the empirical and theoretical levels as to why some crime reduction initiatives are accepted as viable and others not (Hope 1998), through to broader questions of how community safety can be conceptualised and understood within late modern society (Crawford 1999; Garland 1996; Hope 1988; Hughes 1998). What also emerged however was the limited attention directed towards young people in community safety and partnership working. In order to make my thesis distinctive, it was apparent that a more focused and tightly constructed topic area and research problem was required.

My studentship commenced at an exciting time politically. As detailed in Chapters one and two, New Labour had just reformed the youth justice system and central to the restructuring was the abolition of the juvenile caution and the replacement FW scheme. As part of my studentship, I had already commenced the evaluation of the FCS that integrated the changeover to the FW and I was eager to explore in more depth the consequences of this reform and how young people made sense of it. Given I was already familiar with some of the people involved in the FW and access to data was in place constituted a persuasive case for a topic of study.

Theoretical Framework

The theoretical framework is underpinned by the standpoint that crime does not have an ontological reality (Morrison 1997; Bottoms 2000). Rather it is something that is socially constructed (Layder 1998) by those with the power to do so (Hillyard et al. 2004). From this framework offenders exist not because of individual physiological predispositions but only in as much as they are labelled by those with the legitimate authority to define crime and sanction legislation. From this perspective the criminological agenda can extend to include questions about the practices and policies of those who apply the law and those on the receiving end of it that is a concern of this thesis.

One of the studies objectives was to locate the everyday world of those involved in a local FW scheme within a context that takes into account their structural and cultural relations. For that reason, a critical micro-sociological approach was adopted to allow the complex relations between those involved in the initiative to be emphasised and how such relationships are underpinned by institutional and structural inequalities to be revealed (Jupp 1989). In doing so it is accepted that people are agents in their own

destinies and they make different choices and respond and interact with people in varied ways that can show that some people resist the imposition of new reforms (Scruton 2007) as well as comply with them.

Traditionally this framework can be associated with the phenomenological approaches of Albert Schutz (1959) that was deeply influenced by Weber's (1947) conception of society based on interpretive understanding. More latterly this thinking was seen in the interactionist and labelling theories of Lemert (1967) and Becker (1963; 1974). More in line with the newer generation of what Hammersley (1992) calls 'critical ethnographers', this study adopted a theoretical stance that seeks to amalgamate the traditional focus on the meanings and definitions of those involved with the insights gained from social critique. Or rather, looking in detail at the participant's testimonies and behaviour and broadening this out to a consideration of structural and historical issues. From this stance the objective still remains one of accessing the subjective beliefs and understanding of the people being studied, but rather than accepting such beliefs at face value they are examined critically in the context of a broader structural analysis. As Hammersley and Atkinson (1983:234) lucidly point out:

...we have no grounds for dismissing the validity of participant understandings outright: indeed they are a crucial source of knowledge, deriving as they do from experience of the social world. However, they are certainly not immune to assessment, or to explanation. They must be treated in exactly the same manner as social scientific accounts.

Research Aims and Objectives

More currently, radical and critical criminologies of youth and social harm have come to recognise the importance of the interpretive understanding of the processes that lead to young people becoming criminalised (Muncie 2002; 2005; Goldson 2004; Goldson and

Muncie 2006; Francis 2007). Following this line, the thesis critically examines the experiences of police inspectors, FWOs and young offenders with the aim of constructing a theoretical understanding of a FW scheme in the north east of England. The research questions are:

- What was the national political and policy context in which the FW evolved?
- How was this translated at the local level and how is the procedure carried out?
- How do police inspectors administer FWs and to what extent does the reform challenge their decision making from previous caution practice?
- How do FWOs respond to working with partner agencies and does their previous working culture impact upon the delivery of early intervention at the local level?
- In what ways does young people's interaction with FWO and police inspectors affect their experience and understanding of the FW?
- How can the FW be understood against the wider literature on youth justice and crime control?

The research involved:

- Examining through youth justice legislation and police cautioning literature the theoretical and policy approaches in diverting young offenders that brought about the change from the juvenile caution to the FW
- Evaluating the move from the FCS to the FW in the study area and its implementation and operation
- Examining the decisions made by police inspectors, FWOs and young people within the context of the FW in Newcastle
- Theorising the findings from the research within the scholarly literature

Methodological Approach

The methodology selected was designed to give access to the ways in which the participants involved in a youth justice initiative interpreted, implemented and operationalised government policy. The relationship between theory and the choice of methods used in collecting data has been understood in varying ways by criminologists (Bottoms 2000; Francis 2000) with some taking the view that engagement with theory is unavoidable since neither the natural world nor the social world can be ‘neutrally’ observed (Bottoms 2000). Others put forward that researchers should suspend their theoretical standpoint because they are professional enough to prevent their subjective opinions from contaminating the findings and in this way theory can emerge from the data (Strauss and Gelles 1967; see Bryman 2008; Denscombe 2007).

As the research is a micro-sociological exploratory study and seeks to understand the practice of the FW within a specific local context, qualitative methods were the obvious choice. This comprised of a triangulation of methods (Denzin 1970) that included semi structured interviews, observations and secondary documentary analysis. Using a combination of interviews and observation was specifically important to the data collection because although interviews can elicit the attitudes and beliefs of the participants, that in turn inform how they understand the reform, observations capture a wide range of behaviours and interactions that show how the participants carry out their role. When combined, they allow insight to what participants say and what they do that gives a more substantial account of their experiences (Geertz 1973). Secondary documentary data included the consultation of YOT case files and YOT and Policing

Plans to acquire knowledge of the subject area and to make references to the findings that adds further validation to the study.

The value of using interviews and observations has been testified by others. Edwards (1989) for instance found in her study on policing domestic violence that during interviews some police officers revealed negative attitudes towards victims of domestic violence that did not always marry with how she observed their behaviour in practice. Similarly Hoyle (2000) highlighted the anomaly between some police officers attitudes to offenders during interview and how they interacted with offenders in their everyday working environment.

Semi Structured Interviews

Interviews were chosen in line with Robson's (2004) thinking that as a tool for investigation they are especially useful in eliciting the individual perceptions of practitioners working in organisations and their accounts of how particular events developed which is of obvious use to a study of this kind. In deciding which type of interview approach to use, structured interviews were rejected because they restrict the freedom to explore themes that may develop over the course of the interview. On these grounds semi structured interviews were selected as they allow sufficient flexibility to obtain the participants views of the FW procedure and their experiences of it. The less rigid nature of the questions that is a common trait in semi structured interviews also allows the researcher the use of different vocabularies when talking to respondents with different ranges of articulacy which is particularly useful when interviewing young people (Hazel et al 2002; Lyon et al 2000).

Informed Consent

Specific ethical and political issues that broadly relate to informed consent when researching humans have been well documented (Alderson 1995; Butler 1994, 2002). This study adhered to the principles laid down by the British Sociological Association (2002) Statement of Ethical Practice (2002:3) that suggests:

As far as possible participation in sociological research should be based on the freely given informed consent of those studied. This implies a responsibility on the sociologist to explain in appropriate detail and in terms meaningful to the participants what the research is about, who is undertaking and financing it, why it is being undertaken and how it is disseminated and used.

All participants were informed about the topic of study and how the findings would be dispersed. It was also made clear that their comments would remain anonymous and their involvement was voluntary and that they could withdraw at any time. When talking to young people they were told that they would be given 'false names' and some were so eager to have their voice heard that they requested their real names where used. In declining their offer I explained that receiving a FW was confidential information and it is the duty of any researcher to protect all participants from any harm that identifying them might bring. In line with ethical guidelines for intervening young people under the age of sixteen, parental consent was sought from parents or guardians prior to the interviews.

Throughout all observations of FW surgeries, HRAs and police fieldwork young people and their parents were briefed (whilst I was in attendance) by YOT staff and police inspectors about the nature of the research and that they could refuse permission for me to observe the procedure. Consent was given by all participants apart from one mother

who ‘changed her mind’ half way through the procedure that is discussed later in the chapter.

Interviews with Young People

The chief purpose for carrying out interviews with young people was to elicit as much insight as possible into their experiences of the FW process from their arrest through to the FW surgery and early intervention. Thus I set out to recruit young people who had been issued a FW *and* had participated in YOT intervention. Given the small numbers engaging with the YOT at the time of the fieldwork a sample of twenty was considered an appropriate target. A balance of ten males and ten females with an age range of ten to seventeen was sought.

With the help of the FWO a variety of methods were used in the enlisting procedure. Recruitment began in early January 2001 and at this point data from the Newcastle YOT confirmed that only seventeen young people had undergone intervention of any description. So in the first instance the FWO made telephone contact with all seventeen young people with the intention of ‘teasing out’ their willingness to participate in the study. Fifteen showed signs of interest and gave their permission for me to get in touch. Throughout the following few days I made telephoned contact with young people and following their approval I asked to speak to a parent or guardian with the anticipation of gaining their consent. Some parents were available at this point and interviews were scheduled at a time to suit their convenience. Three parents refused permission for their child to be interviewed. Two young people’s parents could not be contacted after several telephone attempts and interviews did not proceed. Overall, eight males and four females

were recruited at this 'trawl'. All were interviewed in March 2001 at their home address apart from a young male who was not present at the time of interview and having rescheduled the interview with his mother he failed to present a second time and did not take part in the study.

In order to 'speed up' the process a changed approach was taken in anticipation of recruiting a further nine young people. This involved the assistance of the FWO who throughout April to September 2001 began petitioning all young people during the HRA to take part in the study. The procedure followed that the young person would be given a card with information describing the research and details of the researcher and if a parent and the young person gave permission, I made telephone contact to arrange an interview.

Disappointingly this method was much slower than I had expected as the numbers of young people identified for a HRA and follow up intervention were low. Consequently only two males and four females were enlisted and interviews were held throughout May to September 2001. In steely determination to complete my sample of 20 the last two males and one female were enlisted at FW surgeries in October 2001. In this instance if the young person and their parents indicated at the FW surgery that they would undergo the change programme, their willingness to be interviewed about their experiences was then teased out by the inspector. Telephone numbers were offered by five young people (with their parents consent) in expectation that contact would be made after the intervention programme was completed. In late November 2001 the FWO informed me that two of the five young people had completed the change programme and were interviewed as soon as was convenient. The last young person came forward during the

home assessment I was observing in November 2001. All interviews were completed during December 2001.

In total, ten males and ten females were interviewed. Their ages ranged from ten to 17 (the designated age range for FWs) apart from females aged ten and eleven who were unable to be recruited during the time of the fieldwork. The social class of respondents was not captured quantitatively but field notes relating to housing tenure made it possible to identify that the majority of the sample (19) could be described as working class. The one exception, a female aged 15, attended public school and lived in a very affluent area of the city. Described by the police inspector as ‘*an unlikely candidate for a warning*’ (1:15) she had previously received a reprimand a month earlier for theft of make-up from a high street store to the value of £5.49 (field notes September 4th 2001). The majority of young people interviewed were white British (18). Two were of British Asian origin. Table 4.1 below details the sample of young people by gender, age and offence type.

Table 4.1 Young People Interviewed by Gender, Age and Offence

Gender	Age	Offence	Young Person code
Male	13	Arson	A
Male	10	Going Equipped	B
Male	12	Assault	C
Female	13	TWOC	D
Female	14	Criminal Damage	E
Male	14	Arson	F
Female	14	Assault	G
Male	14	Theft	H
Female	16	Assault	I
Male	16	Assault	J
Male	17	Possession class C drugs	K
Female	15	Theft	L
Female	13	Criminal Damage	M
Male	11	Criminal Damage	N
Female	12	Burglary	O
Male	15	Theft	P
Female	13	Assault	Q
Male	15	Theft	R
Female	13	Criminal Damage	S
Female	14	Criminal Damage	T

As the study sought specifically to facilitate greater participation and involvement with young people, in an effort to reduce stress and pressure (Gibson et al. 2005; Mayall 2000)

interviews were conducted at their home address. This also allowed sufficient time so the interview could move forward at their own pace. Seventeen of the interviews were held alone with the young person usually in a separate room allocated by the parent. At their insistence three interviews took place with parents present. All young people gave verbal consent to tape record interviews that lasted between thirty minutes to over one hour.

Young people were firstly asked if they had any previous experiences of the police in terms of cautions or reprimands or when 'hanging out' in the local area. They were then encouraged to talk about the offence that led to the FW, their experiences of the police station and the ways in which they 'owned up' to the crime. The second part of the interview was designed to uncover their thoughts and experiences of the FW surgery and intervention with the YOT and why they volunteered to participate in this part of the procedure. Through guided conversation they talked about their actions and levels of remorse and their attitude to those that held authority in their lives such as parents and teachers. Many young people directed the interview towards young people in general and most engaged candidly. Afterwards many of the parents were keen to engage in a brief conversation about the impact the FW had on family life.

As the interviews with young people were carried out between two weeks and three months following intervention they represent young people's recollections of the procedure. However, rather than invite the usual methodological criticisms associated with reliance on memories as 'they don't reveal the past as it was' (Pattman and Kehily 2004), in this instance they can add greater understanding of the FW by shedding light on

its deterrent impact through young people's longer term understanding of the procedure and the messages it has left them with.

Field notes were taken during all interviews. They offered a 'crucial advantage' (Denscombe 2007:122) in recording behaviour and body language and importantly opened up a way of assessing whether young people actually understood my questions and to gauge their level of 'truthfulness' when they responded (Hazel et al. 2002).

Interviews with FWOs and the YOT manager

The two FWOs were interviewed at their place of work on two separate occasions. All interviews with YOT staff lasted between forty five minutes to one hour. The purpose was to elicit their perception and experiences of the FW reform during its beginning stages when new procedures were being tried out and again when procedures were consolidated and partnership arrangements were more established. The first interviews took place during April 2001, and the second interviews in June 2002. Through guided conversation FWOs spoke of the challenges of the new working arrangements, their rationale for intervention and non intervention and the organisation cultural differences between themselves and the police. The first FWO having previously been employed as a social worker in the East BCU FCS described himself as male, white British, aged between forty to fifty and a '*social worker in nature and experience*' (fieldnotes, April 2001). The second FWO described herself as white British, female, aged between thirty and forty with ten years experience as a non qualified social worker in a residential setting with young people. Having recently qualified this was her first position.

To enhance my knowledge of FWs and gain a management perspective of YOTs as a new directive in dealing with young people the YOT manager was interviewed in February 2001. He described himself as male, aged 50, and white British. Previously he had worked in the pre 1998 Social Services Directorate youth justice service as a social worker for more than twenty years and saw his role in ‘new’ youth justice as taking responsibility for a ‘*social work led youth offending team*’ (field notes February 2001).

Interviews with Police Inspectors

The rank of inspector in the research area held accountability for the day to day running of the BCU on a shift basis. The supervision of staff, attendance at sudden deaths, the vetting of potential police officer recruits and the administration of reprimands and FWs formed some of their duties. The entire sample of inspectors across the three BCUs (15) was interviewed between the hours of 9am and 5pm at their place of work. The purpose of the interview was to find out their views on the reform and the ways in which the rigidity of the new system impacted on police decision making and how they delivered FWs. Table 4.2 below illustrates the numbers of inspectors who were interviewed in each of the three BCUs that covered the research site.

Table 4.2. Location of Inspectors Interviewed

BCUs	Numbered of Inspectors Interviewed
Newcastle North BCU	5
Newcastle West BCU	5
Newcastle East BCU	5

Gaining access to inspectors was a straightforward procedure. Permission to interview them was authorised by the Northumbria Police Commander residing on the CDRP who had prior to my contact briefed inspectors about the nature of the research. Inspector’s

names, extension numbers and shift patterns were forwarded by the police liaison officer. Arranging interviews was not so simple and very time consuming. Most were not available to take my call or failed to return it whilst others were on training courses or leave when I rang. The interviews were completed from October 2001 and March 2002.

All inspectors were male and white British. Their ages ranged between thirty five and forty nine which at the time of the research was fairly typical for the rank (Reiner 2000). Two inspectors were ex-army commissioned officers and one an ex-school teacher for whom policing was their second career. Ten inspectors had joined the force at the age of eighteen and a further two during their twenties having undertaken prior apprenticeships in industry. Three of the inspectors had university degrees and two were currently reading for them on a part time basis. This reflects the current trend in middle ranking officers having higher education qualifications (Reiner 2000).

Interviews were held in a room allocated by inspectors. Consent to undertake the interview was given verbally and with one exception⁶, all agreed to being tape recorded. Lasting between forty five minutes to just over one hour many inspectors attended to telephone calls and gave instruction to junior officers throughout which often interrupted the flow of the interview.

The interviews were slightly more controlled than those with young people and FWOs because of my concern to capture more specific areas of enquiry regarding how FW

⁶ Extensive field notes were taken during this interview.

legislation impacted on police ‘working rules’ (see Smith and Gray 1983; McConville Sanders and Leng 1991; Holye 1998) and how it compared to caution practice. What inspectors deemed important when administering FWs and what informed their decision making was used as a cue to reveal the challenges the new legislation brought to them. The remainder of the interview centred upon their experiences of working with FWOs and their general thoughts on young people and crime.

The majority of inspectors talked frankly and unreservedly explained ‘police jargon’ when asked to. Two inspectors requested that I switched off the tape during certain parts of the interview. During the ‘tape off’ periods I reverted to extensive note taking.

Observations of FW surgeries and HRAs

Micro sociological explanations lend themselves to observational methods as a way of providing detailed accounts of what happens in the setting being investigated (Bryman, 2008). This method complemented the interviews to gain a ‘warts and all’ (Denscombe 2003: 202) insight into the workings of the FW and captured how those involved interacted with one another and to measure what they said with what they did in practice. Fifteen observations in total were undertaken that included six FW surgeries, six Home Risk Assessments, and three ‘special observations’ (Denscombe 2003:151) that are explained later in the chapter. Two days shadowing the police in one BCU supplemented the data collection. Verbal consent was given by all participants during observations.

Importantly the observations allowed insight into the ways in which young people responded to the formality of the process and how they interacted with criminal justice practitioners. During FWs it was also anticipated that the ways in which inspectors

worked with rules and carried them out in pragmatic circumstances could be captured that also allowed afterwards the opportunity to discuss with inspectors their thoughts on the young person and their parents and whether the FW would have any lasting impact. During HRAs it was anticipated that the ways in which FWOs and young people interacted and the mechanisms officers used to encourage participation in a programme of intervention would be unearthed and what they considered were risks of further offending would be attained. Afterwards FWOs openly engaged in conversation with me explaining their justifications for offering or declining intervention and their general thoughts on the young person and their family. Where appropriate by way of a 'catch up' we also talked about the progress of the young people I had previously observed and some of the fieldnotes are used to enhance the findings in chapter seven.

In order that the entire FW procedure could be covered fieldwork with police officers carried the anticipation of acquiring knowledge of the arrest procedure and the formal interview at the police station.

When collecting observational data various methods are used. At a fundamental level the distinction between the different types of observation used concerns the extent to which the researcher participates in the research setting. This varies on a continuum from full participant to a complete observer in which most researchers occupy a position somewhere in between (Hammersley and Atkinson 1995). Patton (2002) usefully points out that when observing a particular phenomenon the idea is to adapt the degree of participation that will yield the most significant data given the characteristics of the participants and the nature of the setting. In taking this advice on board a 'pick and mix' (Robson, 2004:190) approach was adopted wherein some situations I would watch what

was happening and record the setting, the people, the events and emotions in their particular context and in other situations, once more immersed in the field, I assumed a participatory role and more focused observation shifted to areas of particular interest. This required the collection of descriptive accounts of the events and my engaging in ‘meaningful interaction’ with young people, their parents and practitioners to gather data on what they said and what they did throughout the procedure. In doing so the following observational approach designed by Spradley (1980) was used with my own adaptations added to it. This included extensive field notes that were taken throughout to:

- Describe the setting
- Identify the people
- Describe the content of the intervention
- Document the interactions
- Describe and assess the quality of the delivery
- Be alert to unanticipated events

Because the study was taking a critical approach the focus was upon areas that problematised the delivery of the initiative, the dynamics between the participants and where procedures contradicted practice. At times, predominantly during fieldwork with the police, it was not always appropriate to persevere with the observation schedule so I relied on memory and then made detailed notes on paper as soon as it was convenient. Although Fielding (1989) warns that no information should be trusted to recall, in some instances I relied on memory jotting down notes whenever possible in a form of ‘note expansion’ (Bryman 2006) to minimise this caveat. Taking on board Lofland and Lofland’s (1995) recommendation that full field notes should be taken when observation is a prime source of data, I then ‘amplified and added’ (Atkinson 1981:131) to them by

constantly writing down my thoughts, feelings and initial ideas about interpretation that were written up the same evening to retain credibility (Bryman 2006). In deciding 'what to observe and what to leave out' Denscombe (2003) suggests that importance should be placed upon trying to identify the issues and problems which the participants feel are crucial. Accepting his advice it was possible to observe unexpected and contradictory occurrences some of which are discussed in police inspector observations in Chapter five. Even though researcher neutrality is impossible, the descriptions of the observations aimed to be factual, accurate and thorough, and as far as possible non judgemental. In the end I was the key instrument in deciding what to observe, what to include, and what to leave out.

Observations of HRAs

The purpose of a HRA is to identify any factors associated with offending behaviour such as the influence of peers and lack of parental supervision (Utting et al. Graham 1998; Graham and Bowling 1995) that feeds into whether the young person is suitable for intervention. Consideration is given to the parent's views, the young person's willingness to comply with intervention and the likelihood of the young person reoffending. The observations for the study were selected by the FWOs who gained verbal consent from parents and young people beforehand. A total of six HRAs, three with each of the FWOs officers were observed between July 2001 and November 2001.

The Asset was not in place at the time of the fieldwork and assessments generally took the form of a conversation between the FWO, often a parent and the young person to elicit information on their life style and attitude to offending. The assessments lasted between thirty minutes to over one hour and where appropriate, the FWO suggested that

the young person consider a programme of intervention. The outcomes of the young people observed are detailed below in Table 4.3.

Table 4.3 Outcomes of HRAs

Name	Date of HRA	Outcome of HRA
Kirsty	July 11 th 2001	Refused intervention
Peter	October 16 th 2001	No further action required
Carol	November 6 th 2001	Agreed to intervention
Jonathan	November 8 th 2001	No further action required
Mary	November 8 th 2001	Intervention accepted by YP
Daniel	November 23 rd 2001	No further action required

Three ‘special observations’ (Denscombe 2004) of HRAs were also undertaken. The rationale behind this was the YOT in my local area had enlisted the police officer seconded to the YOT to undertake the role of FWO unlike YOTs elsewhere whose positions were taken up by social workers many having previously been employed in the Social Services Youth Justice Directorate (Field 2008). Keen to enhance my knowledge and observe this procedure I contacted the YOT manager in South Tees who I was already acquainted with having previously worked with him on an audit of Children’s Needs. Throughout March 2002 I accompanied the police officer on 3 HRAs that included one female aged 13, and two males aged 16 and 17. Although the assessments are not rigorously documented in the thesis, this experience did raise a significant issue that is discussed in the ethics section at the end of the chapter.

Observations of Final Warning Surgeries and Fieldwork with Police

Final Warning ‘surgeries’ were held on Saturday mornings in three BCUs. A representative sample of six surgeries, two in each of the three BCUs was selected for

observation. Times and dates to observe the surgeries were arranged by the Police Commander on the NCDRP.

Police research is often undertaken as either an ‘insider’ or an ‘outsider’ in which Reiner (1992) has pointed out is largely dependent on how the characteristics of the researcher are viewed by individual officers. This resonated with my experience of researching the police. Some inspectors were more willing to help than others, and those more cooperative encouraged interaction between myself and parents and young people involving me in the process as an ‘insider’. Indeed one acting inspector asked me to ‘put a good word in for him’ (field notes September 2001) presumably hoping I would feedback to the Police Commander his efficiency in FWs. Two inspectors gave me a tour of the police station and a demonstration of the finger print and DNA process which enriched my knowledge of the police process. Other inspectors kept communication at a minimum and carried on with their duties letting me know I was an ‘outsider’. In total twenty three young people were observed receiving FWs throughout the six surgeries. Table 4.4 details the locations, dates, numbers and gender of the young people receiving FWs.

Table 4.4 Young People Observed Receiving FWs September to December 2001

Command Unit	Date of FW Surgery	Gender
Newcastle West BCU	October 13 th 2001	Males 3
Newcastle North BCU	October 20 th 2001	Males 1 Females 1
Newcastle North BCU	November 3 rd 2001	Males 4
Newcastle East BCU	November 17 th 2001	Males 2 Females 3
Newcastle East BCU	December 15 th 2001	Males 2 Females 3
Newcastle West BCU	December 22 nd 2001	Males 3 Females 1

It was possible to engage in informal conversations with eighteen young people and their guardians outside of FW surgeries. They spoke of their thoughts on the FW and whether they were going to participate in intervention with the YOT. Fieldnotes were taken throughout.

Fieldwork with Police

I was conscious of the importance of gaining an ‘overall feel for the research situation’ (Denscombe 1999:150) and the events that happen prior to the administration of the FW. I therefore gained permission from the superintendent in Newcastle North BCU to shadow police officers over two days in December 2001. A duty inspector made arrangements for me to go out ‘on the beat’ on day one and for my attachment to a police patrol car on day two with the specific agenda to observe how young offenders were processed by the police that added valuable insight into the research.

Literature Search and Review of the Documents

A key feature of the data set was the literature search that was undertaken from the beginning of my studentship and helped identify the topic area. This involved the mapping of the research topic to acquire sufficient knowledge of the area and to develop the necessary understanding of the methodology and research techniques used. Importantly it helped gauge the level of interest in the topic area and to appraise the main arguments, concepts and theories surrounding the area of investigation.

To begin I arranged for all newly released research reports with cite track alerts for youth justice, interventions with young people, police, final warnings, multi-agency working, and crime reduction to be forwarded by the British Journal of Criminology outjournals-mailer. Keyword searches such as police decision making, young people, crime, early intervention, diversion and juvenile justice were carried out on relevant search engines, social science based search facilities and computerised databases including Google, Google scholar, Ingenta, Social sciences citation Index, ESRC Data Archive SOCIOLOGICAL RESEARCH ONLINE and BIDS International Bibliography of the Social Sciences. Specific Journals were searched where abstracts and full citations could be accessed electronically such as The Journal of Crime and Deviancy and British Journal of Sociology. Databases at Northumbria and Teesside Universities were searched and government websites were consulted primarily in the UK, USA and Australia.

Lincoln and Guba (1985) define a document as any written or recorded material not prepared for the study, or at the request of the enquirer. Case files were consulted on those young people who had received intervention that detailed the names, ages, ethnicity, offence type and length of intervention as compiled by FWOs. All Youth Offending Team Plans between 2000/2003 were consulted to add to and validate the

accuracy of the data. The Policing Plans for the BCUs in Newcastle were consulted for data on police statistics as police records detailed on the PNC were not accessible at the time of the fieldwork.

Data Handling and Data Analysis

All electronic documents were stored on my personal computer at my home address. The literature was arranged in thematic headings on an electronic data base and hard copies were stored in box files categorized as police, YOT, Young People, Partnerships, Methodology and Youth Crime Statistics. A large part of the data set was tape-recorded and all tape cassettes were stored in a locked safe. Tapes on young people and YOT staff were labelled using gender, age and identification numbers and the date of interview. Inspectors were categorised as numbers with codes to identify police command areas. Transcripts and fieldnotes were kept in labelled plastic boxes. All data was held at my home address.

Given that some of the interviews were longer than one hour; large quantities of transcribed data were produced. Some feminist researchers have stressed the importance of transcribing interviews verbatim to avoid any loss of meaning (Stanley 1990) whilst others such as Strauss (1987) suggest that only as much data as is necessary should be transcribed. Jones (1985) on the other hand puts forward a different approach arguing that repeatedly listening to tapes whilst taking notes of the important bits is the best way to familiarise yourself with the data. In taking on board all of these points in the beginning interviews were transcribed verbatim, however once engrossed in the data a combination of note taking from the tapes together with numerous reruns of the parts

considered important was adopted to minimise what Lofland and Lofland (1995:164) warn as ‘descriptive excess’ in the analysis.

In the beginning all fieldnotes were typed up every evening in scrupulous detail with the expectation of turning my raw notes into something more lucid at a later date (Robson 2004). This proved difficult at times as I had difficulty in unscrambling my own handwriting which necessitated that I quickly learn the art of remembering information and writing in less haste. Realising that not everything would be used in my thesis session summary sheets (Miles and Huberman 1994) was used to delineate what was of importance. The day’s events were abridged on one sheet of paper divided into four columns that detailed the participants, the particular issue covered, the relevance to the research questions and descriptions of the environment divided into categories that were descriptive or analytical. Although using fieldnotes during observations and interviews retained all the essential points, I was aware of the problems of being selective in what I observed or chose not to highlight. Since it is impossible to preclude researcher bias I set out to remain mindful throughout to offer as clear a picture as I could. The secondary data was analysed using generic qualitative thematic analysis and the mapping of themes with what was happening in the field offered a technique of allowing ‘replicable and valid inferences’(Krippendorff 1980:21) to be made with the data that was useful as a validity check.

Qualitative researchers increasingly employ computerised software packages for data indexing and retrieval, and for concept and theory generalisation. Software is available such as TAP (Text Analysis Package), and ETHNOQUALPRO and NUDIST (Non Numerical Unstructured Data Indexing, Searching and Theory Building) that all have the

anticipated advantage of increasing the potential for rigour, objectivity and consistency. As a researcher with beliefs that qualitative analysis remains much closer to 'codified common sense' (Robson 2004:275) than it does to the complexities of computer software, and whose aim was to become the primary data gathering instrument I preferred not to use these methods. The technique of listening to the dialogue on tape and reading the transcripts several times over was favoured and adding comments and reflections to the margins as new insights came to me added value to the research. Keeping 'memos to myself' (Denscombe 2003) in the margins of the raw data acted as a reminder of my thoughts and was useful as a log trail of my thinking when identifying and developing themes. Next, with the aid of the traditional highlighter pen came the sorting, shifting, and cutting and pasting of identified patterns and processes (Miles and Huberman 1994) in order to gather the conceptual themes. After that, the substantive descriptive and analytical categories from the observation summary sheets and themes from the secondary documents were linked to form a thematic analysis before finally adding my knowledge of the field into interpretation of the findings. Joining together the perspectives and conceptual themes from FWOs, police inspectors and young people helped underpin my conceptual and theoretical construction.

Although Robson (2004) has pointed out that statistical analysis is often seen as an anathema by many qualitative researchers, summary statistics collected by the Newcastle YOT were used to illustrate the numbers of FWs issued in Newcastle City in chapter three and the numbers of young people undertaking a programme of intervention that offers 'behavioural validity' (Denzin 1988: 95) to the qualitative findings.

Central to qualitative investigation is the researcher's clear thinking because the 'analysis is as much a test of the enquirer as it is a test of the data' (Fetterman 1989:390). Throughout, I maintained command of the data drawing upon the literature and secondary documents to create the local and national picture of youth justice whilst sustaining current and historical theoretical awareness of the research area. At the same time I took the opportunity of instilling my insight and experience into the interpretative accounts of those involved in the study. Ultimately this thesis has specific contextual meaning that can add to knowledge and should only be understood as my interpretation of data collected from a local FW scheme.

Reflective Accounts on the Methodology

There is a growing acceptance that the ways in which the researcher feels personal experiences and values may have influenced the research findings should be acknowledged in qualitative data (Silverman 2005; Miles and Huberman 1994; Bryman 2004). For some, this necessitates the inclusion of biographical details to allow the reader to assess the plausibility of the researcher's claims through their levels of involvement or indifference in the study (Nightingale and Cromby 1999: 228). To this end it needs to be acknowledged that my personal beliefs and values, the choices I made, and the dilemmas and anxieties I grappled with have impacted upon the participants in this study, the research process, and on the research findings.

At the start of the study my initial anxieties centred upon interviewing young people. In particular, I was concerned that the difference in age and the cultural divide between myself and the young people selected for interview would in some way hinder the rich

description that I was looking for. Although I had previous experience of talking to young people as a research assistant on a young people's lifestyle project, and as a group worker/researcher for the Probation Service (coupled with being a mother of two teenagers) and despite assurance from my supervisor that I had the essential skills to relate to young people, all of this offered little assuagement. Fearing that young people would answer yes or no to questions posed by a complete stranger old enough to be their mother I drew upon what Hazel (1995) termed 'teen talk' in which he noted that young people can be very articulate and provide high quality interviews when 'kid language' is used to formulate the questions (Aldridge and Becker 1993; Hazel 1998). His suggestion that making references to current drama stories on TV or the results of football matches is a useful way to familiarise yourself with young people prior to the interview and I adopted this approach to the best of my ability to break down barriers and hopefully enhance the quality of interviews.

I also found that giving young people some control in the research process can encourage them to participate (Alderson 2000). On more than one occasion the FWO suggested that the young person take the opportunity to trade a second intervention for an interview for the FW study. Having used this method previously to recruit adult drug users (at the suggestion of a probation officer) my concern in this instance was that the participants were young people and the researcher's ethical responsibilities in this regard are far from clear. In submitting to this method my justification was twofold. Firstly the FWO felt it was acceptable and secondly it could be seen as 'restorative research' as young people were putting something back into the community by contributing their knowledge and experience to local research.

Gaining access to young people and parents for research purposes through official channels is not always the best approach as often the researcher is perceived as a part of the official process. In particular, when inspectors asked young people and parents if I could observe the process or whether they would participate in the interview procedure some appeared to go along with it without really thinking about it. Because of the influences professional people can have on others, this raises certain unease about whether young people and their parents freely give consent (Miller and Bell 2002) as Mason cautions:

One should be careful about how readily you accept the consent which has been gained; in particular you should acknowledge the persuasive influences which operate on people (Mason 1994:57)

This was realised during a HRA. Although mother has given the FWO permission for me to observe the assessment I did get the impression that she felt uneasy about by being there. After approximately ten minutes, she announced that she needed to terminate the assessment to go elsewhere but was happy to reschedule the assessment to the following week. She was complicit when asked by the FWO if I could return with him. Confirming my earlier suspicions about her discomfort with my presence, the FWO rang me two days later to inform me that the young person's mother had left a message stating she didn't want 'that university lass to come back'.

Other predicaments occurred during the course of the fieldwork. I was aware that the police are under no obligation to formally cooperate with researchers, which in some ways has encouraged suspicion that the police are hiding discriminatory practices (see Kemp and Morgan 1990). However, I soon realised that this works both ways as the police can be highly suspicious of researchers for instance some seeing them as 'Home

Office spies' (Holdaway 1989) or in my case, a 'management snoop'. Although inspectors had been briefed about my role, two of them inquired if I was evaluating their performance in the FW and feeding back to the Commander on their working practice. Another inspector asked if I was a social worker from the YOT and one presumed I was a Home Office researcher. This sits with Reiner's (1991; 2000) observations that labelling of this type depends as much on the personal characteristics of the researcher as it does on the specific area of study. Being a mature student and my connection with the NCDRP may have encouraged these suspicions.

Researching organisations that are not traditional 'bedfellows' raised suspicions regarding 'whose side was I on'? Whilst working with the police I assumed the role of 'police supporter' ensuring that I was in agreement with the problems they had with the YOT. Having forged this relationship I then had to listen to inspector's criticisms of the YOT and I often sat quietly when they complained about particular FWOs. Likewise, I adopted the same stance FWOs and found myself unquestioning of their endless criticisms of the police. This recurrent game of 'cops and robbers' (Reiner 2000) felt uncomfortable knowing that each organisation felt that I would share their perceptions and beliefs. Realising that neutrality is virtually impossible in these circumstances I soon realised that doing 'whatever it takes' (see Hancock 2001) to gain the richest data possible seemed the best approach to take whilst acknowledging and working within ethical constraints.

Other challenges centred upon how young people are dealt with in the research process. On three occasions parents were present during interviews even though their child requested to be interviewed alone. As one might expect, these young people were quite

reticent throughout the interviews as undoubtedly it is difficult for any young person to talk about certain issues in front of a parent. Discouraging parental presence continues to be a methodological and ethical challenge for anyone undertaking studies with young people and one that needs further debate.

I came across another ethical challenge during a 'special observation' of a north east YOT. The police officer seconded to the YOT was placed in the role of FWO and whilst carrying out HRAs he was attired in civilian clothes. Unwittingly this disguised his status and he failed to reveal to young people that he was a police officer. Adults are never expected to talk to police officers in an official arena when their position is masqueraded and later I wondered what the officer's response would be to any information that young people divulged about their past and current offending. This raises ethical concerns to be addressed at both local and national levels.

Further ethical dilemmas came about whilst being in the field. Initially my observer status was fashioned on watching and taking field notes when time and circumstances permitted. Once I became more confident and absorbed with what 'was going on' I found myself being drawn into the role of the practitioners I was observing (Lofland and Lofland 1997; Smith and Wincup 2000). For example, two police inspectors asked me to outline the role of the YOT to young people during FW surgeries because they felt I had more knowledge of the process than they did, which I duly did so. On other occasions FWOs would ask for my comments about what type of intervention was suited to the young person and my thoughts on the likelihood of them reoffending presumably because of my past experience of working with offenders which I happily engaged in. On a further occasion I refused a request from the FWO to feedback any concerns that came

out of my interview with a young female (because he was too overstretched to visit her a second time) on the basis that the research process is confidential.

Becker and Greer (1957) point out that participant observation, as opposed to systematic observation, helps minimise the disruption of the naturalness of the setting owing to the researcher's involvement with the process. However it can work the opposite way. During the second day of fieldwork we were radioed (in the police patrol car) a level two emergencies call to attend the address of a young female complaining of an assault. On arrival a young girl, visibly distressed, complained to the officer that she had 'been smacked' by her father for truanting from school. Both parents were present and noticeably troubled by their daughters call to the police. The officer proceeded by reprimanding the girl for not attending school and the inappropriateness of using an emergency call when she was merely being disciplined by her father. I on the other hand felt a sense of injustice for the girl as the officer had apportioned 'blame' on her when I considered her the victim. Subsequently, when the father questioned to the officer 'what else can you do?' I found myself interjecting that he should use non violent ways of disciplining his daughter in future. Hoyle in her study of policing domestic violence however cautioned:

...any intervention from outside the family may be considered by the perpetrator to be unacceptably intrusive and thus may expose the victim to further abuse, particularly when they are relatively powerless and vulnerable (Hoyle 2000:395).

In this sense all social scientists have a responsibility to ensure that the physical, social and psychological well being of those being researched are not adversely affected by the research. On this occasion however I breached the boundaries of ethical responsibility by confronting the father and the consequences of my behaviour remains unknown. On

reflecting ‘whether I should have said it’ remained with me and I finally rested with the justification that all violence should be challenged, especially against young people. The police officer having failed to do so rendered it impossible for me to ignore.

Watching the ‘actors at work’ brings numerous challenges when researching in a social environment where the researcher has past links as a participant role seems almost to be expected. Smith (2000) having previously trained as a nurse reported in her PhD study on women’s health care in bail hostels that often staff viewed her as such and she held hostel keys working alongside staff in a supporting role. Adopting the ethical stance ‘if you can’t do any good, don’t do any harm’ (2000:335) of the medical profession she employed a ‘grab-bag’ (ibid) method of data collection that was based more upon opportunity than a strict adherence to methodological positioning. The ethical dilemma that observation as a methodology presents for researchers is that in the end our presence, or indeed our opinions, can shape the outcome for those being researched (Hancock 2001).

Interpretation of the Findings

The study offers rich contextual meaning to a local FW scheme at the implementation stage. In this sense the study can only be understood through the quality of the theoretical inferences made from my interpretation of observations of police officers, young people and FWOs and their reflections during interviews of the FW procedure.

Conclusion

This chapter has attempted to outline and justify the methodological approach adopted for this study. Beginning with the research area, the origins of the study were located within

a PhD studentship that dictated the area in which the study took place. Next the choosing of the research topic and the narrowing of the research focal point into an exploration of the FW was explained. The perceptions and experiences of the participants involved was sought through semi-structured interviews and observation that was underpinned with secondary documentary and literature analysis to add validity to the findings. How the data was analysed, the ethical concerns encountered in the field and my reflective accounts on the methodology were considered. Finally how the findings should be understood has been explained.

CHAPTER FIVE THE POLICE AND FINAL WARNINGS IN NEWCASTLE

Introduction

This chapter focuses upon the FW as it was perceived and managed by inspectors in Newcastle and where variations appear in light of the local context. The aim is to integrate and advance existing knowledge on the police and the FW procedure. Three themes are examined. These are the police processing of young offenders who go on to receive a FW, inspector's perceptions of the reform, and how this guides their practice and actions during the administration of the FW. The conclusion suggests that the reform has done little to change inspectors' attitudes and a repeat of the many inconsistencies found in the previous juvenile caution system is evident.

The chapter takes the following structure. First, to illustrate the formal procedure that juveniles must endure before a FW can be considered observational data from police fieldwork describes the arrest and interview of a young male. Following, the findings from observations of FW surgeries captures the ways in which individual inspectors delivered them within the context of their 'creative compliance' (Ericson 2007:374) with the guidelines. Finally inspector's thoughts on the FW as an alternative to the caution system and their understanding and interpretation of the reform is examined through the challenges the FW brings to police working rules.

The Police Procedure in Final Warnings

The police control the FW process from arrest to the legal administration of the FW. In order to contextualise the reform within a police framework and at the same time provide a description of the typical events that occur before the FW is issued, the following observation taken from extensive fieldnotes undertaken at Newcastle North BCU on 12th December 2001 takes into account the police arrest and the course of action that follows at the police station. Some implications regarding government legislation and police procedures are raised that are taken up later in the thesis.

The Police Investigation in Newcastle North BCU

Case study Joe aged 15

Contact with the police usually begins with a complaint from a member of the public to which a police officer responds and undertakes where appropriate an investigation. On day one of police fieldwork I accompanied PC2 in his follow up of a grievance made by David aged 14 that he was attacked by a young male named Joe aged 15. When we arrived at the accused home we were met by Joe, his mother, grandmother and elder sister. In the first instance PC2 informed Joe of the allegations made against him. Joe denied the accusation but said he would go to the police station at PC2s request to 'get the matter cleared up'. Joe's mother, clearly aware of the procedure accompanied Joe to the police station.

Neither Joe nor his mother displayed any unease on entering the custody suite and followed PC2 towards the custody sergeant. The sergeant was stood in an enclosure that was elevated about two feet from the ground (presumably to enable greater surveillance of the custody suit) and surrounded by a white wall to the level of his waist. Behind him

was a large white board inscribed with details of those presently held in police custody. Directly in front of the sergeant stood a line of police cells each accessed through a steel door with a hatch large enough to pass a dinner plate through. The cells were approximately two meters by three and each had a window of glazed toughened glass that allowed some sunlight to enter. In the corner of the cells was a toilet and underneath the window was a raised wall with a plastic mattress on top for sleeping. Juveniles are officially held in 'detention rooms' that are less intimidating and much more spacious than cells. Vitally they are in closer proximity to the custody officer although not all police stations provide these.

Custody Officers are independent of the investigation. It is their role to decide if an offence has taken place in law and if there are sufficient grounds for the suspect to be detained legally. Only two justifications are acceptable for detention: to charge the suspect, or, where there is not enough evidence to charge, to secure further evidence (Saunders and Young 2006). The police can authorise detention for up to 24 hours and Clause 5 of the Criminal Justice Bill (2002) makes provisions for the police to detain up to thirty six hours if a serious offence is being investigated. This can be extended to 96 hours with magistrates' permission.

Once detained by the custody sergeant, juveniles are subject to the same process as adults including fingerprinting, photography, DNA sampling and the right to legal representation from a duty solicitor at the police interview. What differs for juveniles is that provisions in the PACE Act (1984) allows for young people to be safeguarded by an

‘appropriate adult’⁷ that is usually undertaken by a parent or guardian. The role is to protect the young person’s welfare and to facilitate communication between them and the police during interview. The police cannot go ahead and interview a juvenile without this provision in place and should the young person fail to get an adult to attend, social services offer this provision. However this can often lead to young people waiting as long as five or six hours in a cell until staff are available (Evans and Wilkinson 1990).

As Joe’s mother is already present at the police station he is spared the confinement of the detention cell. In order to interview Joe PC2 seeks permission from the custody sergeant who in turn informs Joe of his right to legal representation. Joe refuses a solicitor which is fairly typical of young people as they do not fully understand the procedure and it prolongs the process (Evans and Wilkinson 1990).

The purpose of the police interview is to investigate the facts, and not necessarily to obtain an admission of an offence (PACE 1984: code12A). Although in the case of FWs eligibility depends on the young people giving a clear admission to all elements of the offence during interview. This part of the police procedure with juveniles has been sidetracked in the literature (see Pratt 1986; Evans 1993) even though it is the only environment for examining the evidence against young people. The following transcript taken from the formal police interview with Joe and PC2 on 12th December 2001 describes the process and illustrates the tactics one officer used to secure Joe’s ‘confession’.

⁷ This facility also extends to ‘vulnerable adults’ such as those with learning difficulties or disabilities

⁸PC2: For the tape in attendance are PC2, Joe, Joe's mother and the researcher Lynn Keightley-Smith

PC2: This report in front of me Joe is a statement from the complainant which states that you attacked David aged fourteen outside of a shopping area. This attack was unprovoked and resulted in four or five punches to the head. David did not retaliate. Does that mean anything to you Joe?

Joe: Nah don't know anything about it. I wasn't even there

Mum: He always gets blamed for everything

PC2: So you don't know the boy then?

Joe: I think I have heard of him but never met him

Mum: Isn't that the lad who said you had nicked his mobile?

Joe: Yeah he went round and told everybody that

Mum: That's slander isn't it; can we do him for slander? Fancy saying things like that, well that's illegal isn't it? Can we have a solicitor and press charges?

PC2: Well that's not a matter for now and as far as I'm aware there is no reporting of the theft of a mobile anyway. So how did you hear about it Joe if you have never met him?

Joe: Just on the grapevine, he was calling me a thief

PC2: I think it's a bit strange that a young lad would go around calling you a thief for nicking his mobile when you have never met him and he hasn't reported the theft anyway, don't you Joe? Do you think that's a bit odd?

Mum: Well he gets blamed for everything that goes on in the area cos of his brother Gary. You know Gary don't you he's serving HMP

PC2: (smiles) yeah I know Gary how is he?

Mum: Just the same, I've been sick up to me eye teeth with him still got another three years to go but this one here (points to Joe) they blame him for everything cos they know about our Gary they all just think he's the same

Joe: But it wasn't me who done this I don't know him do I mum?

PC2: Well this report states here in front of me Joe, and there are other witnesses mind, that you hit him as he was leaving the shop, then you pushed him down an alleyway and then hit him another three or four times. This resulted in numerous cuts and bruises to his head that required medical treatment. How does that sound to you Joe? Is that a fair account of what happened?

Joe: Nah I didn't take him down an alleyway and anyway he put his hands over his face so they wouldn't be cuts or anything. He hasn't been to hospital he's telling lies, I only hit him once. Anyway there were others there an all you know not just me

PC2: Aah so you did hit him then Joe?

⁸ Permission was given by the custody sergeant, Joe and Joe's mother for the interview to be recorded by the researcher. The interview lasted sixteen minutes.

Joe: Well like as said just once like a clip (demonstrates)

PC2: Well sign here Joe and don't worry we'll go and see what the custody sergeant says about you getting a warning.

Following the interview PC2 notified the custody sergeant that Joe had admitted the assault. A section 18 assault falls under a gravity score of 3 which means Joe will go straight to a FW regardless of whether he has previously received a reprimand. As FWs are administered by an inspector who is independent of the investigation Joe is released on police bail to attend the FW surgery in two weeks time. This gives the police the powers to arrest should the young person fail to appear at the surgery.

The above interview raises two procedural concerns. Firstly PC2 informed Joe that he has witnesses to the assault yet he failed to reveal their identity. Whilst not illegal, tactical police interviews (Irwing and McKenzie 1989) such as this commonly overstate the number of witnesses, or the victim's evidence to encourage the suspect to believe that sufficient evidence exists to secure a conviction. Pointed out by Evans (1993) this is far more likely to entrap juveniles into a confession and despite the introduction of PACE (1984) there is still unease regarding young people and the shortage of protective measures to safeguard their rights (Quinn and Jackson 2007). In the second instance there are uncertainties about whether Joe made a 'clear and reliable admission to all elements of the offence' (Home Office 2000 para: 4) as he protested that he was not to blame for all of the victim's injuries. In preference to Joe's version of the event PC2 uses 'police investigative epistemology' (Innes 2003:684), his own 'common sense' to presume the suspect was responsible; a device that has been noted by others as a regular occurrence in the interview room (Quinn and Jackson 2007; Innes 2003; Evans 1997). Whilst this is not to say that guilt is wrongly assumed, or that one observation of a police interview is

evidence of a generalised procedure, the potential for police officers to apply their own supposition regarding what constitutes as a confession is possible under the FW reform.

Administering the FW on Saturday mornings was the responsibility of the duty inspector. This part of the procedure is importantly where the young person receives the ‘moral scold’ (Brownlee 1998) that is meant to deter them for further offending. At the time of the fieldwork inspectors had no training on how to deliver the FW, no supervision of practice and therefore no expectation of any consistency. This part of the procedure is under researched and as there is no judicial review of FWs there is therefore no way of knowing ‘what goes on’ in FW surgeries. In an attempt to fill this gap the next part of the chapter describes how the procedure was carried out in the study area.

Observations of Final Warning Surgeries in Newcastle

The procedure for FW surgeries in all three BCUs followed that police inspectors reviewed the list of young people scheduled to receive a reprimand or FW and considered the arrest sheet compiled by individual Officers in Charge of the Case (OIC) and the gravity score they had applied to the offence. It is their role to ‘sit in judgement’ and issue the disposal having in theory consulted the Association of Chief Police Officers Home Office Guidance for Final Warnings (1999a; 2000) that gives set choices regarding the offence seriousness and indicates whether a reprimand, FW or charge is appropriate. Having considered the circumstances of the offence and the young persons attitude inspectors have the authority to alter the gravity score one point either way if they feel it appropriate (Home Office 1999a: Annex C: 5). Inspectors are also required to

counsel the young person on the consequences of further offending and send an ‘unfailing message’ (Keightley-Smith and Francis 2007) to them that this is their last chance to avoid the court. In the absence of the FWO they are to inform young people of the procedure for early intervention.

Following are three observations of FW surgeries from each of the three BCUs. They describe how through entrenched police practices, how inspectors think, made decisions and acted in the official setting and where variations appeared in light of the local context that had adverse consequences for the young people involved.

Newcastle North BCU Final Warning Surgery

During the surgery held on 13th October 2001 three young people were scheduled to receive a FW and two a reprimand. The inspector having collected the paperwork from the mess room walked down the corridor towards the police interview room situated just before the main entrance to the police headquarters. Inside, the room had just enough space to accommodate a table and seating arrangements for the inspector, the appropriate adult and the young person. Displays on the walls exhibited pictures, posters, and enlarged newspaper headlines to signify what young people can expect if they commit further crimes. Some had images of prison cells and the cuttings from headlines from local newspapers conveyed public perceptions of what could, and perhaps should, happen to young offenders. There was nowhere for a young person to look without contemplating the consequences should they continue to offend. The allocated time for each FW delivery was twenty minutes and during that time it was evident that the process was

formal. The following case of 'Gary' shows how the inspector executes what can be described as a low level 'miscarriage of justice' (Bell 1999).

Short in stature and timid in demeanour Gary entered the room with his father. His face was barely visible above the table as he gazed nervously at the inspector when asked if he knew why he was here. Gary said he realised that he was to get a warning and when prompted by his father said he understood that the next time he might go to court. He said he felt a 'bit bad' when asked his thoughts about being in the police station but when pressed could not say why. On being asked to describe the events that led to his arrest Gary said he had been 'messaging around' in the local neighbourhood. The inspector clarified that in law, 'messaging around' meant that he had broken a window and damaged the fence of the local youth club. Gary looked rather confused and wasn't particularly communicative at this point. The inspector then asked how he spends his time and Gary replied that he liked swimming and ice-skating. The inspector discussed the possibility of doing some work with the YOT to make sure that Gary keeps out of trouble and Gary looking worried, offered no reply. His father mentioned that there was not a lot for kids to do in the area so his son got bored very easily. He finished with saying that his son will be 'all right now after this'. The inspector ended the process and issued Gary a final warning. Gary's father commented that the warning was very fair and he felt lucky that his son had avoided the court. Gary kept his head down as they left the room.

Next on the list was Paul, aged 11 who was due to receive a reprimand. Concerned with FWs only, I waited in the corridor in readiness to observe the next FW. Some minutes later the inspector came out of the interview room and headed towards the desk clerk to enquire Paul's whereabouts as the boy in the interview room was Darren who was third on his list. Explaining that Gary, the first on the list, had not turned up the desk clerk had sent Paul who was second on the list into see the inspector. Presuming the young person was 'Gary', the inspector and I had addressed him as such and neither he nor his father corrected us. 'Gary' had also received a FW when he should have received a reprimand.

The importance of juvenile diversion should not be underestimated as a high proportion of young people who offend are not dealt with through the formal process of prosecution, trial and punishment (Gillespie 2007:1). Whilst arguably the above case is a genuine mistake it nevertheless highlights one of the many concerns associated with police administrative justice (Gillespie 2007; Keightley-Smith and Francis 2007) as there (Gillespie 2007; Hine 2007; Keightley-Smith and Francis 2007) is no judicial review in

FW legislation and therefore no oversight of inspectors' decisions and no guarantee that mistakes of this nature will be rectified.

Newcastle East BCU Final Warning Surgery

There were three females and two males to receive a FW at the surgery held on the 17th November 2001. The duty inspector informed me that he had twenty years police service, mainly in CID (Criminal Investigation Department) and that his knowledge and experience of the FW process was very limited. The following case illustrates the difference that can arise between the YJB's statutory intent for FWs and the ways they are practically implemented on the ground level.

Rachel is sixteen and attended the FW surgery with her mother. Smartly dressed, she later made known that she has secured part time employment with a high street shopping chain. The inspector began his address by asking Rachel why she was here. Smiling, she replied 'it's because I've been a naughty girl haven't I?' The inspector retorted 'no, it's because you're a thief!' and then proceeded to question Rachel about the events that led to her arrest. Rachel said that she had stolen a mobile phone cover whilst out with friends 'just for a laugh. Her mother was clearly concerned and assumed control stating that her daughter was 'grounded' and attributed her behaviour to the keeping of the wrong kind of friends. The inspector pointed out the legal consequences should Rachel commit any further offences and issued Rachel with a FW.

The inspector in this case gave the young person no opportunity to engage with the YOT and stated in conversation to me afterwards that Rachel's college course and part time employment 'should keep her out of bother'(fieldnotes November 17th 2001). This is in contrast to guidance for FW procedure that states the YOT should undergo a risk assessment on the likelihood of further offending. The inspector's behaviour points towards that found elsewhere that troublesome youth are viewed by the police as solely a

police province (Goldson 1999; 2000; Gillespie 2007; Loader 1996; Holdaway 2001, 2004; Keightley-Smith and Francis 2007) a theme that is returned to in the interviews with police inspectors.

Newcastle West BCU Final Warning Surgery

Newcastle West BCU headquarters was built during the 1960s and the decay were almost palpable on entering the building. The duty inspector said that the FW surgery takes place in whichever office is vacant and in this instance it was the Chief Inspectors office on the third floor. Inside the office was a large desk with a high backed leather chair behind it. In front of the desk were two smaller chairs presumably for the young person and parent. Three males and one female were scheduled to receive a FW at the surgery held on 22nd December 2001. The FW reform is an attempt to engineer a shift away from the idiosyncratic and often stigmatic police behaviour that often typified the administration of juvenile cautions (Lee 1998; Hoyle et al 2002) towards a more formalised and consistent procedure and the following case demonstrates how inspectors failed to adhere to guidelines and had a propensity to assert their authority with offenders.

Third on the list was Carol⁹, aged thirteen. She is the eldest of ten children and lives with her grandmother as her mother's house is overcrowded. She has three previous cautions for theft and had been excluded from school intermittently from age eight. Currently assessed as learning impaired Carol is awaiting a school re allocation. Along with several friends she was arrested for a TWOC (taken without owners consent) when caught rolling a car down an embankment.

She looked ill at ease as she entered the room followed by her grandmother who began muttering how her granddaughters errant behaviour had aged her and how much older she looked than her 48 years. Carol sat down in front of the inspector and stared out of the window. The inspector paced the floor before asking Carol 'what do you think happens to girls like you?' Carol uttered 'am I bothered what

⁹ Carol was one of the twenty young people interviewed. The background information on her personal circumstances is taken from the interview.

you think'. Her grandmother, clearly annoyed by Carol's response began a verbal onslaught that escalated into a full scale row between the two. Intervening, the inspector ordered Carol to leave the room whilst gesturing to grandmother to do the same. Within a few minutes the bewildered inspector summoned Carol and her grandmother back into the room. Grandmother offered an apology and Carol asked if she could tell 'her side of the story'. She began by saying that she, along with three others, pushed an abandoned motor vehicle that had 'no windows and a door missing' down a bank for 'fun'. The inspector interjected with raised voice 'you're nothing but a thief and a danger to others!' This time Carol did not retaliate and grandmother bellowed 'she's an impertinent bugger' as the inspector handed Carol a FW. Outside Carol said that the inspector was 'a big bully' threatening 'if he thinks I'm going to behave myself because of him he's joking'. Three days after Carol received a FW she was arrested for a further TWOC.

The inspector here has an 'authoritarian personality' (Adorno 1969) that characteristically is hostile to those with lower authority. In using his legitimate power to proceed with an 'old style police bollocking' (Holye et al. 200:7) an orthodox procedure the police use in an attempt to promote conformity in young people, the inspector gets the result he was attempting to avoid. Patterns of this nature have been found elsewhere. Lee (1998) for instance observed in four police force divisions that officers delivered cautions often with the intention of humiliating and stigmatising young people that had an adverse effect on their behaviour. Similarly Holye, Young and Hill's (2002) study of the *Thames Valley Police Restorative Cautioning Initiative* found that police officers often failed to adhere to guidelines and had a propensity to assert their authority with offenders the result of the difficulties police officers have in changing practice (Chan 1996), a theme that is revealed in the police interviews in chapter five.

Overall the observations revealed that FWs were administered in unique ways in that the circumstances of the offence and the expectations and experiences of the young person and their parents were diverse and perhaps understandably, inspectors displayed widely different temperaments and approaches. Some administrations were perfunctory and

inspectors offered little in the way of encouragement or guidance in preventing further offending whilst others admonished the young person in what appeared to be related to the inspector's preconceived attitudes towards certain young people and their parents. Others adopted a more facilitator role and talked about the consequences of criminal convictions and encouraged parents to monitor their child's behaviour. On only one occasion was the FWO from the YOT present and in their absence only two inspectors made any reference to the YOT. All of these themes were corroborated during the interviews with inspectors discussed in the next part of the chapter.

Police Inspectors

The purpose of the interviews with inspectors was to elicit their position on the change from the juvenile caution to FWs, their explanations of administering FWs and the challenges the reform brought to police everyday working practices. There was a further intention to engage inspectors in dialogue about their experiences of young people and the YOT following the introduction of the FW. The following sections discuss each of the main bodies of evidence from the interviews beginning with inspectors' perceptions of the FW reform, their accounts of what informed their decision to issue a FW and the ways in which they administered it and finally how FW legislation shaped their working practices.

Police Discretion and the Final Warning

The drive towards formalisation and managerial accountability in criminal justice was seen in the reforms of the 1980s wherein Home Office Circulars set formulae for decision making to bring about the gradual lessening of discretion. The importance of

interviewing inspectors on their thoughts regarding the change from cautions to FWs was significant because it raised issues about their role in diversion and how decisions are made. For some it was all down to discretion that was simply a matter of common sense when dealing with any given situation:

In the old system we would use our common sense and just deal with it. This may well have meant some over used it but it didn't lead to situations like we have now... for instance take a kid who is 18 tomorrow who has a final warning for a previous offence and he gets nicked with cannabis, so he goes to court. The guy who was 18 yesterday on the other hand just gets a caution for possession of cannabis. Where is the sense in that? (I: 6)

Shown in chapter two the practice of police cautioning was based on a police officers understanding of the offender and the context of the offence in which their experience and training informed their decisions in any given situation. Whilst this may have given rise to variations in practice and approach (Laycock and Tarling 1985; Giller and Tutt 1987) the benefits of the 'old' caution system for juveniles still outweighed the restrictions of the new reform, as one inspector explained:

What I liked about the old caution system was that it was dealt with there and then, none of this fuss with bail and coming to surgeries. The officer could see the young person in the cell and speak to them, get a handle on what they were like. You need to know that to make your decision to give a caution and that might mean some people get quite a few cautions. That was part of the system. This won't make for better decisions just because it's more restrictive (1:2)

In this sense the FW reform cuts at the heart of police 'working rules' (Smith and Gray 1983; McConville Sanders and Leng 1991; Holye 1998) as it confines the numbers of times they can divert the young offender and their freedom to 'excuse' minor crimes in the public interest: Two inspectors make this point well:

Some situations are plainly not worth the involvement of criminal justice and the caution allowed for that, whereas this system doesn't. If we are gate keepers to the criminal justice system then we need that discretion to overlook some offences otherwise you end up with silly things going to court (I.10)

Five or six cautions could be OK for some young people for stealing sweets and things, whereas others you wouldn't dream of giving that many. But you still need that flexibility to do so, to decide in view of the circumstances what the most appropriate thing to do is. What we have now is a system where you have to send them to court the second time but there are times when regardless of how many cautions it is still the best way to proceed for some people (I.14)

In contrast the following dialogues suggest that curtailment of police discretion is necessary to do justice to young people:

The fact is that there are coppers who don't give a damn and will always take the easy way out. The caution allowed this, gets it over with. Some officers greatly abused it ...this system will be better, it will make for a more consistent practice (I: 3)

The new warning system is at least nearer the mark. The thing is with juvenile cautions it was so easy just to do it, give the kid a caution and before you know it they have had three or four. Depending on which bobby you get, and in what area, means caution number five or six or court... that's not justice, is it? These things need to be controlled (I: 15)

About 80 per cent of cautions didn't reoffend, but there were too many inconsistencies between forces and command areas. The scope was just too wide to do nothing at all. It definitely needed tightening. Yes, for me the new system is a welcome change, we need these guidelines, our discretion needs to be tighter (I: 1)

Even though the rationalisation of criminal justice procedures is to inform a more systematic approach to police work it has been found that officers continue with what Ericson (2007:371) terms as 'self referential exercises' whereby officers break the rules as quickly as they are made. This was captured in the following dialogues from two

inspectors whose language continued to talk about the caution even though for juveniles they were abolished the year before the interviews took place:

Look we are dealing with kids for the most part larking about who would get a telling off or a caution. The government want to standardise it, and it's pathetic. Very few young kids need to be sent to prison and the caution was there for that purpose and my thinking is still the same now. At the end of the day only kids who need to be charged are charged and that's what I do (I: 13)

I just go along with what's on the sheet, first caution and then second caution (sic); the custody sergeant knows what he's doing. It's just like it has always been. I can't see what all the fuss is about no change really, I just carry on the same (I: 15)

It was difficult to distinguish a dominant theme regarding inspector's thoughts on the change from cautions to FWs as overall their perceptions were mixed. Some felt that the reform was 'a good thing', as it restricts the capacity for police officers to 'do nothing at all' which may indicate that cautions were viewed as an inadequate response to juvenile crime. Others understood the FW in the same manner as the caution that could reflect their resistance to new working practices. Three inspectors inferred that the reform lacked sufficient flexibility to deal with juveniles in a manner that they deem fit. In this sense the disciplined nature of the FW can be seen as at odds with the 'unfettered discretion' that the police had previously enjoyed as gate keepers to the criminal justice system (Saunders 1998).

Actuarial and Inspector Decision Making

As discussed in chapter two, the FW provides an offence gravity matrix that in theory should promote greater consistency in decision making and ultimately more fairness to young people. However different problems emerged in its use that was related to

inspectors understanding of the FW system and their role within it. The following comments from two inspectors show a firm understanding of the FW process:

Putting the kids on bail after the police interview to attend the surgery at a later date to be dealt with, allows us, as inspectors to do our job. This is basically to make the decision to issue the warning or to charge the offender at the surgery. When I see a kid at the surgery and I investigate what has happened through talking to him, if I'm not convinced that the kid is guilty of an offence because of a lack of evidence then I return the case back to the officer in charge of the case to take it back up. We don't, or couldn't intervene any more than this. The surgery is simply a decision making forum, that's why inspectors do it. The ground work is done by the police officer on the beat, we just check if a warning is appropriate. This is based on sufficient evidence that an offence has taken place, the admission by the young offender and our common sense notion of whether the warning will have sufficient impact. If not, then for some it requires a bit more, so we might charge them (I: 7)

Enforcing the law is firstly down to the bobby on the beat but we as inspectors have discretion in the final warning system to alter the recommended course of action up or down what the arresting officer says. We can give a final warning where the PC has scored a reprimand, or we can charge when the PC scores it as a final warning. We as inspectors ultimately decide depending on what is the right thing to do in individual circumstances, whether we think a final warning will work or not (I: 2)

Clearly identifiable in these statements is that the inspector's role is one of decision maker who still maintains discretion to do 'the right thing'. However the following accounts show other inspectors at variance with this role and subsequently they followed the guidelines in a proscriptive and routine manner:

Look everybody deserves a chance, and looking at risk of reoffending, how can I say, well son you are not getting a warning you're off to court because I think this won't work. Just because you come from such and such an area and according to our research that means you probably will reoffend I can't make that decision. The fact I think he might come back is totally irrelevant. He has his rights and if that means a warning according to the guidelines then it's a warning he gets (I: 4)

I just follow the guidelines...even if I think he should go to court, its only right he gets a warning if he is entitled to it. If I was to pass the case to the CPS because I said that I didn't like his attitude or I don't think the warning will change things, they would just send him back (I: 9)

It's all in the guidelines, its perfectly clear, no more discretion and nothing to think about really. I just follow the matrix and issue what is written down, whether that's a reprimand or a final warning what more can you say on the matter it's a simple procedure (I: 1)

In line with findings from the National Evaluation of Final Warnings (see Holdaway et al. 2001) more than half of the inspector's here encouraged by the belief that guidelines are there to be bent (Sanders 1988; Ashworth 1998) raised the tendency to draw upon their own working rules (Smith and Gray 1983; McConville Sanders and Leng 1991; Holye 1998) in their vision for FWs and how they should be operationalised.

I don't use the matrix, what on earth for? Its just common sense really...police common sense. I rely on that most of all that tells me whether to give a warning or if the kid needs to go to court its up to me not some score sheet (I: 12)

I just use my hunch on what to give the young person, one you get from years of experience in the force. You just know that a kid will be back again, or that he's lying, or that his family just don't give a dam. You just know what's the best thing, how to deal with it appropriately. If you were a bobby you would know exactly what I mean and you wouldn't be asking me this, you would know why and how I make decisions (I: 11)

For one inspector the guidelines were nothing short of an affront to his authority:

One of the greatest powers the police have is discretion; it's got nothing to do with guidelines. We as inspectors have discretion to recommend the course of action and I don't need telling what that is (I: 7)

The police struggle with the drive towards greater accountability was evident as many inspectors felt that rules had little bearing on everyday police decisions. One inspector summed this up well when he talked of having charged a young offender for arson causing damage under £500 even though the guidelines stipulated a FW:

This lad comes to the caution clinic [final warning surgery] to get a warning for arson. When I read the offence sheet from the arresting officer I realised that the damage caused by the fire must have been a few hundred pounds so I charged him. You should never get a warning for that amount of damage. I know some inspectors might have just gone along with it but I wasn't having that. In my experience arson is a very serious offence, it happened to my brother and it had repercussions for a long time (I: 11)

Other examples of the circumstances in which inspectors may charge an offender rather than issue a FW seemed at odds with the language of legal rationality and the legal criteria for charging a young person:

There's one thing I use to tell if the kids attitude is Ok and that is their attitude to their grandparents. I use it a lot, I might say, and what do you think your grandma might have to say about this? You can tell a lot by that, especially lads and grandmas. If he loves his grandma it helps me make a decision on whether he's got morals and if he's a good kid. If this is the case, he gets a warning, if not, then I might think differently about it and it could be off to court if I think that's what it takes (I: 3)

During other circumstances having a 'reprehensible anti-authority attitude' (Goldson 1999:3) produced adverse responses (Reiner 1998; 2000) as the following statement testifies:

This kid was taking no notice of me, staring out the window, and no idea of where he was and what it means to be at the police station. Neither did the parent...you can tell *the type* the minute they walk in. It's plain common sense that a warning will do nothing and I don't want to be party to ignoring that. Just a little thing like sitting up straight and saying your sorry, but when you get nothing, no response whatsoever, well I haven't got time for that, so I charged him to let the court sort him out (I:6)

Being in 'contempt of cop' (Reiner 1991:134) is not a legal reason to charge a young person although the literature supports that this was the case in the previous juvenile caution system (see Saunders and Young 2003; Bennet 1979; Landau 1981). It thus appears that government reform to 'tame the system' (Garland 2001:115) remains in contention as inspectors used their discretion to discriminate against certain individuals- 'the usual suspects'.

In its correct use discretion should be limited by guidelines that are 'flexible enough to meet the special circumstances of particular cases' (Bottoms 2003 cited in Liebling and Price 2003:74) shown in the following statement from one inspector having more than fifteen years service who talked of issuing a 'second FW' that can be used in exceptional circumstances providing that two years have elapsed since the first one.

What happened was that a young kid was arrested for criminal damage and because of shall we say 'human error' the paper work did not materialise for thirty four days. When I looked at whether he warranted a final warning, he had already had one seven months ago, so if in keeping within the thirty six day court process we had only two days to get him to court which we wouldn't have done, so questions would be asked. As he was going in the army in September, he had the paper work to confirm this; I thought, what is the point of taking him to court when the army will sort him out anyway? It served no point to do that, so I gave him another final warning, a second one, I used my discretion, it's just common sense that's all (I:8).

Issuing a second FW rather than charging the young person the inspector ensures that the young offender avoids the likelihood of a criminal conviction that could have thwarted his army career. A second FW also circumvents the police error of failing to present the young person in court within the designated thirty six day guidelines.

Taken as a whole it appears that inspectors decisions were shaped by ‘issues important to themselves’ (Campbell 2001:45) and the extent to which they took on board the wider policy objectives. This sits alongside Holdaway (2001:72) who found during the early implementation stage that two per cent of young people had received two FWs within the two year time scale and Evans Puech’s (2001) study in Liverpool that uncovered that 6.5 per cent received a reprimand after a FW had been issued. In both studies it was revealed that the offence gravity matrix was not comprehensively employed as was the case here that explains why not all cases were assessed in the same manner. Decisions made by inspectors are not a direct matter for the youth court to oversee, although the CPS can take strategic action should police decisions to charge the offender seem inappropriate (Home Office November 2002:29 para 6.10).

Deterrence, and the Delivery of Justice

During interviews inspectors gave their accounts of administering the warning, what they said to young people and what they hoped to achieve. A number of examples reveal that the counselling of the young offender on the consequences of further offending was used in a regulatory manner. As two inspectors explained:

I focus on the future, it’s important. If you have criminal convictions it’s hard to get a job and leaving the country. I say what if your parents won the lottery you couldn’t go on holiday with them if you had a criminal conviction in some countries. Sometimes I mention the army, things like that, a further offence will mean a criminal conviction that’s the message we need to get across (I.1)

I focus on the future to deter them, to get them to think about what they will lose...carry on like this and you will end up on benefits for the rest of your life. The law stares you in the face (I. 3)

Classic deterrence models of crime control have traditionally underpinned police practice and clear in the following testimonies is that inspectors were intent on preserving the power of the law:

It's important to let these kids know who we are. We are law enforcers, and I let them know what will happen if they offend again. No namby pamby measures I tell them what will happen if they persist in this behaviour. I give it to them straight (I: 15)

Any more of this and you could end up in prison, they need to know that. I think it frightens some of them and for some of them that's exactly what will happen, when kids start at say 10 or 11 you know where they are heading straight to prison for some of them (I: 11)

Final warning guidelines advise that inspectors should attempt to steer the young person away from a life of crime. Inspectors interpreted this in varying ways and captured in the following quotes is that infusing young people with a sense of citizenship was important:

I expect the young person to take responsibility for what they have done. You have to put the young person in charge of his or her own destiny; they need to know what will happen to them. They need to know there are other people involved and that other people get hurt by their behaviour but also that they can turn this around and become useful citizens (I.9)

Inspectors also showed concerned to make young people take responsibility for their actions:

I leave them with a message of choice, how we can make bad ones, but it's not the end of the world. I always tell them that I had a caution when I was 16 but I didn't let it spoil things. I tell them that I joined the police when I was 18 and put it right, and they can too. I show them you can be an upstanding law abiding citizen if you take responsibility for your actions and then change them (I: 14)

This was often contradicted when they blamed the parents for their offspring's behaviour as the following comment demonstrates:

You've only got to look at some of the parents and you know exactly why the young person is sitting before you. That is what I try to get across to the parents, look you have to try and give your kid a chance in life. If you don't, then who will? I say something like, now are you going to tell him that he has done wrong and help us get the message across because its your responsibility, its your child after all (I: 2)

Whilst the reproaching of parents was unmistakable, some inspectors used this in the hope of enlisting their help in getting the message across to young people:

I look at the parents, the support of them. One thing I find refreshing is the fact that you get some parents who have been in trouble and they say to their kid right there and then 'look I was in trouble as a kid and I don't want you to go the same way'. That's what works, having your parents tell you. Without that we are wasting our time (I: 10)

I always talk to the parents, that is important and to make them take responsibility for their child. It's up to them to say 'I will do such and such to you if you come here again'. They are the ones to really hammer it home surely? (I: 4)

For other inspectors the 'trick of the trade' (Ericson 2007:370) was simply to get the job done. In these circumstances inspectors simply went through the motions as one stated, 'I just say here is your warning son don't come back again' (I: 2) and another assumed 'it's no big deal you just give them it, they get the idea' (I: 7).

Even though the messages inspectors conveyed to young people were individual and diverse, explicit was their inbuilt expectation that whatever they said they would be obeyed:

I tell them next time you are about to offend think of me hanging on your shoulder shouting in your ear don't do this! and I make them think what I will do to them if they do. It's got a lot to do with our personal style, making them want to listen, hammering it home to remember me in the future. If they remember me or if they are frightened of me then they are less likely to offend that's what I think any way (I: 5)

In this sense the reform allows the police to make their actions appear legitimate (Ericson 2007; Smith and Gray 1985; Ashworth 2003) as they hold the power in crime control as one said:

The book stops with me, I'm the inspector and the decisions are mine. I don't need anyone else to tell me whether a caution (sic) is the right thing or whether they should go to court. I just use my discretion, that's what we always do. We decide all of it, these new measures mean nothing. It's a matter for the police what we say to them and we expect them to listen (I: 14)

I give them a bloody good telling off. It's up to me how I approach it and I tell them what will happen if they carry on in this manner such as 'do you want to end up in jail'. Some of them need it and you have to do it, even if it makes them scared or nervous. So what, that way they'll listen...new legislation means nothing (I:9)

These accounts in many ways confirmed that found during observations of final warning surgeries. That is to say inspectors followed procedure in that they delivered the FW, however in what ways, was largely the result of how they understood the reform and the importance they attached to their role within it. As such even though variations in the administration of the warning could be attributed to the need for more guidance and training it seems unlikely, given some inspectors attitude to the reform that more direction would make any difference.

Police Inspectors Attitudes to FWs and Partnership Working

The majority of inspectors felt their advocacy in FWs was unwarranted as one said 'its a complete waste of resources' (I: 3). This is despite that Home Office guidelines (2002 para 9.8) state that FWs should be delivered by a higher police rank to enhance the formality of the process:

Any of the Bobbies could do it, I mean they all used to give cautions, they're professional police. These surgeries take up a lot of time on Saturdays and its not justified especially as we have a station to run (I.13)

You don't need to be an inspector to do this, Christ no. The kids don't understand the pips. They don't give a damn whether you're a PC or inspector or what. They don't think, Christ this is an inspector talking to me I must be in real trouble. A bobby's a bobby to them. I don't know where all this has come from really and I don't know who would think up that we had to deliver them its bloody ridiculous (I.6)

It is clear that many inspectors found the FW laborious that corresponds with the low level the police in general attach to community initiatives and working with young people (Reiner 2000). As one inspector succinctly put it:

We have far more important things to be doing other than this, like managing the station for a start... 'It's hardly real crime investigation is it' (I: 14).

Such disenchantment with FWs also extended to working with the YOT. Rather than show a police commitment to interagency working (Kemp and Gelsthorpe 2002; Burnett and Ros 2001; Holdaway et al 2001) inspectors here were only interested in their own role within it, as they viewed the issuing of the FW as a matter for the police and early intervention as the domain of the YOT. One inspector complained 'I've never seen one yet so bugger the YOT' (I: 14) that was reaffirmed in the following comments:

If they reoffend, well that's down to the YOT not me, isn't it? All we do is catch them and caution them. I don't know what they do next, but I know it's not our job; we finish there the rests up to them (I:9)

No I don't liaise with the YOT never have. The decision is mine totally mine got nothing to do with them, the police are in charge of issuing cautions(sic) that's our job they do whatever I don't interfere we've got different things to do (I: 3)

In support of the observation data, only three inspectors showed any appreciation of the YOT during interview. One spoke of the issues facing young people and how the YOT were 'best equipped to handle this' (I.11) and two others had the following to say:

I think the most important part of the reform is to try to divert the juvenile from further offending; this has got to be the aim of the actual process which all requires proper attention from the YOT (I: 5)

The caution needed changing. It had no real strategy to offer anything real, a bit hit and miss. We need help in doing this work and the YOT... they are the ones that can help but we don't work with them... we can't we just issue the warning (I: 7)

These findings are at odds with the anticipated coordinated approach multi-agency working would bring (Crawford 1997; Souhami 2007) and rather sit with Crawford (1997) who put forward that partnership working is often one of conflicting ideologies over cultural traditions and working practices. One inspector said:

I give the young person a form like I am supposed to do and tell them the YOT will be in touch and that's it really, we don't get to hear if they do anything with them, for how long, or if the kids responded to it. There is no joint working what so ever and it's not our fault, they are the ones to blame they make no effort (I.7)

Despite talk of joined up working, inspectors continued to talk of distinctiveness in terms of roles and functions and separateness in terms of FW administration (Keightley-Smith

and Francis 2007). As one remarked 'to be honest it's a single agency thing I don't know what the YOT do' (I: 2).

Despite new strategies to encourage innovation and working outside of traditional practices (Souhami 2007) inertia to working with victims was visible. Not one inspector had liaised with a victim of crime within the context of FWs in this study or offered any attempt at restorative approaches. As one explained:

I've worked in other areas and multi-agency works very well... joint working of a prevention programme with victims, and restorative cautions like the Thames Valley stuff but its way behind here. You have to get rid of the police culture here and embrace change and not resist it. Some of these officers, well you'll never change them (I: 11)

Inspectors put forward a range of explanations such as 'we simply haven't got time and we're not bloody social workers' (I: 1) or 'we are not interested in that part of the process...it should be left to the youth workers... we're law enforcers' (I: 8)

Working with victims was clearly not considered 'real police work' by inspectors in Newcastle. Rather a 'cop culture' attitude prevailed whereby social service tasks were viewed as a waste of time and effort. It thus appears that regardless of whether FWs are premised upon multi-agency working or restorative approaches with victim's, inspectors here regarded this work as impracticable:

To be honest the victims don't want bothering, I mean would you? You just want to put it behind you wouldn't you. We get a statement from the officer about the victim and that's it, no more bother with them. Certainly we haven't got time nor do we have any interest in this work...whether or not it has benefits...its out of the question for us to be involved (I: 7)

Conclusion

Drawing upon fieldwork, observational and interview data this chapter has explored the ways in which the FW was processed, delivered and understood by inspectors in the study area. Three themes can be identified. Firstly, what seems clear is that the reform continues to allow many of the problems of the previous caution system but within a much more prescribed system that can work to the detriment of the young people involved. Secondly, the police viewed the FW as largely an interpretative exercise that produced differences in approach and discretionary decision making external to Home Office guidance. Thirdly, the lack of attention to the role of the YOT and working with victims makes clear that the FW procedure is not seen as real police work and therefore not practical.

Such dissonance between government aspirations for FWs and their operational practice makes it seem improbable that legislation alone can create greater uniformity in police decision making with young people. This ultimately raises concerns about equality and fairness at the early stages of criminal justice. The next chapter presents the findings from young people and explores their experiences of the police and early intervention.

CHAPTER SIX YOUNG PEOPLES EXPERIENCES OF THE FINAL WARNING

Introduction

The last chapter examined the ways in which the FW was processed, delivered and understood by inspectors in the study area. This chapter contributes to existing critical research on young people's active role in criminal justice and examines young people's experiences of the FW and the impact of legislation on their behaviour. The chapter examines two themes. First it considers young people's accounts of the police investigative interview and the final warning surgery within the context of 'owning up' and taking responsibility for their actions. Secondly it examines their accounts of taking part in early intervention and the extent in which it confronts their behaviour.

The chapter takes the following structure. Firstly, in order to shape the background to the ways in which young people responded to the police within a final warning context their perceptions of the police in general are considered. Next, their accounts of the police interview within the framework of owning up to the crime is explored alongside their accounts of receiving the final warning and the consequences it had for them. Finally young people's experiences and perceptions of early intervention and the ways in which it impacted on their behaviour are discussed. The conclusion suggests that early intervention is at odds with New Labours anticipation of improving young people's sense of responsibly.

Studies dealing with young people's perceptions and experiences of the police have almost universally presented a negative and hostile picture that was also the case here. Many young people talked about the police as an authority that controls their behaviour when they are 'playing outside' as the following statements bear testimony:

The police are always around our way watching us, you get right cheeky ones, like they try to make you kick off on purpose like as if they have nothing better to do. Every time we are out in a crowd it's the same thing ...on your way... you're making too much noise or something (M: 15 P)

You can bet every night when we go round the shops the police come along and say come on go home now and we're not even doing anything (F:13D)

All of the twenty young people selected for interview had prior police contact either through previous cautions or reprimands or for being moved along in their local area (Smith 1983; Loader 1996; Anderson et al. 1990) that particularly vexed young people. Some felt they were being deliberately persecuted by the police that has been found to be a significant indicator of future anti social behaviour (McAra and McVie 2005). Clear in their interviews was that some young people took revenge by 'playing up' and behaving in a nuisance manner as two young males stated:

The police give us grief for playing out...for everything... but we give it back even if it means you get into trouble so what, you just get so narked that you might trash a phone box or something to give them a reason to have a go like (M:11)

I don't know what sparks them off really, but they are always looking for trouble with us round our end... it just makes us worse, they can't see that we just end up kicking off (M: 13 A)

Young people complained of the lack of ‘things to do’ in their area after school and felt particularly aggrieved when they were interrupted by the police for ‘hanging out’ that caused tensions and confrontations as two young people said:

...they are always coming up to us, I wish we could just be left alone...it stresses you like mad. Where else can we go? We’re not adults we can’t go in pubs. We just hang out and have a laugh... they can’t see it that way...they just treat us as different all the time (M: 12 C)

...they never leave us alone and are always on our backs for something or other...following us and asking what we’re up to saying you can’t do that and do you know that’s breaking the law! as if. This is a posh area and it’s still the same they just look for trouble with all of us kids, they should understand that we have nowhere else to go (F: 15 L)

One young female was particularly upset when the alcohol she was drinking was poured down the drain by a police officer because she was squirting water canisters in her local area:

How unfair is that? he was just a big head; I was just having a daft laugh... I wasn’t even drunk so what’s the point in nicking my drink ... they think they can do what they like, they wouldn’t do that to my dad (F: 14 E)

The officer’s actions might be explained by police knowledge that young people and alcohol tends towards rowdy and troublesome behaviour. However, despite the frustration the police caused young people, not one said that they questioned them on what they could or couldn’t do in their own area at night. The majority largely accepted that the police had the overall right to regulate their behaviour, even though in general they perceived them as unfair. As one young male stated ‘they think they know everything [police] and can just do what they like... and we can’t do anything about it’ (M: 10B)

Although most young people here saw the police as a body to be avoided one young male said that more police were needed on the street to control the behaviour of ‘real criminals’ as he was ‘just messing about’:

They should be out catching proper criminals or young lads who play over near the hostel they are real trouble makers, we just lark about. Me Nan gets scared on a night because of lads hanging around and that’s not right is it? They’re the ones who need to be kept in, or get more Bobbies to deal with them... not us we’re just messing (M: 13 A)

It appears that young people, particularly males are not good at measuring the wrongfulness of their behaviour or see themselves as law breakers, a theme that is returned to later in the chapter. As two explained:

It’s not fair; the Bobbies are always round our end. I get blamed for everything that goes on...they say David were you involved in this ...like for wrecking a phone box... it was already trashed anyway, just because I’ve been out having a laugh (M: 16 J)

They just love winding us up, they get really ‘narked’ saying I’m for it they just hate us. They just think we are trouble every time they see us and mostly we just lark about and mess things up like kicking bins and stuff (M: 12 C)

‘Larking about’ often led to police attention and in order to avoid police taunts one young male with numerous previous cautions had taken to staying in doors after school:

To be honest I don’t go out much, it’s always the same trouble when you’re out with your mates... I’d rather stay in and watch telly or play on my play station. It’s safer that way, it means I don’t get into trouble if I’m by myself cos the police don’t bother me...it really narks you off when they jibe you all the time (M: 15 R)

It has been noted that once known to the police, whether through previous cautions, convictions or family members that police contact increases (Smith et al 2001, 2005; Loader 1996) that was supported by a young male with family members known to the police in his protestation that the police visited his home 'every week for something' (M: 15 P).

By and large all but a few young people took issue with the ways in which the police behaved towards them with the majority seeing them as 'bullies' (F: 13 S) and most felt to varying degrees victimized by them. These findings expand on work elsewhere that shows that young people feel that the police are unreasonable and act discriminatory towards them that often results in negative young people/police officer dynamics (Anderson et al 1990; Reiner 1992; Smith 1976).

This may explain why during the formal police interview at the station some young people described their experiences in ways that suggested they prevaricated rather than confessed to the crime that was often the result of a disagreement between what the police accused them of and the young person's account of the incident (see Hine 2007).

Two young people said they were 'tricked' into admitting the offence:

They really argue and say we know what you did; we have witnesses and allsorts, like they don't believe a word you say. They try and trick you, to get you to say it was you. It wasn't my entire fault but that didn't count... I needed to get away, it was horrible what they say to you (M: 12 C)

They said it was just me and not me friends, how could I have done it on me own? But they said the damage was caused by me. I'm not taking the blame for all that I said, but the police said loads of people had seen me do it...just to trick me (F: 13 S)

It is against this backdrop that the ‘responsibilization’ agenda is trying to ensure that young offenders ‘own up’ and face the consequences of their behaviour (Muncie 1999b; Goldson 1999; Warner 2000). However for those conceivably more experienced with dealing with the police or more conversant with legal procedures weighing up the police evidence to see if they could ‘get away with it’ was the preferred tactic and one that equates with the ways in which adult suspects confess to crimes during police interview (Evans 1997). This ploy was used by ‘Joe’ in the last chapter and is recapped in the following account by a young male who received a FW for theft of magazines and newspapers from his local shop:

I can easy blag the police, so I did it for ages. I was interviewed 3 times...all the time I kept saying nope it wasn’t me... I wasn’t even there...I knew they had nowt on me. Then he said just admit it we know its you, some people saw you, and I just stuck with what I was saying. Anyway on the third time the women near the shop filled in a statement that she saw me and I know she did, so that’s how I got a warning (M: 14 H)

There was clear signs that some young people had more agency (McAra and McVie 2005; Hine 2007; Kemshall 2008) and were more equipped to deal with adults in authority than others. Clear as to the consequences of police accusations the following accounts by a male aged 16 who having been blamed for an assault on an Asian boy contested the police suggestion that it was ‘racist’ and a male aged 17 refuted the police accusation over a drug related offence:

First, they were saying it was a racist attack and that’s why I hit him, but it wasn’t. I wasn’t bothered about his colour, so they can’t blame me for that. I hit him because he was eyeballing me like, you know staring me out. He’s a big head and he asked for the fight that’s why I did it. So I thought well fine, I am admitting to nothing then if you’re going to accuse me of being a racist. They’re all the same the police, just out to get you, so they make things up. After ages I

said I will admit the assault, but not as a racist attack ...no way... and that's what I got (M: 16 J)

...they were wanting to accuse me of more, saying I was supplying like was I a dealer or something ...I said that's not right you can't accuse me of that it was just a bit of cannabis for my own use I'm not getting done as a dealer (M: 17 K).

These challenges to police authority contradict the work of Hine (2007) and Hazel et al (2002) who found that young people were simply passive recipients of criminal justice. Other accounts however confirmed their findings for instance young people stated they went along with what the police said 'to get it over with'; even though they believed that the police overstated the offence and their accounts of it (see Hine 2007; Holdaway 2001; Gelsthorpe and Kemp 2003; Hoyle Young and Hill 2002). One young female frustrated by the lengthy time span between the offence and her arrest explained:

I couldn't believe what happened, the police come and took me to the station it was ages ago (three months). I could hardly remember it and I told them that. They make it sound horrible not like you remember it, cos you remember it as daft behaviour. It wasn't as bad as they said but I just said yeah ok just to get out of the place cos I was scared and wanted to go home (F: 14 T).

Although young offenders are safeguarded by an appropriate adult during the police interview, under the Police and Criminal Evidence Act 1984 (PACE) there is no provision that stipulates an adult must be present when young people are arrested. It was when young people were taken to the police station and fingerprinted and placed in a detention cell that Hazel, Hagell and Brazier (2002) found that they were often most afraid, that resonates with young people in this study who said they felt most anxious at the police station because they did not know what was happening to them. The following accounts illustrate this well:

I said straight away to the policeman yes I did it, can I go now? All I could think was my Dad will kill us. I just wanted out of the station and to get it over with. But I had to wait for me mam. I just kept saying yes to everything they asked me even though it was wrong. Well you get a bit scared of what's going to happen to you (M: 13A)

I was scared at the station in the cell I just did everything they said even though it wasn't right what they were saying. They said I slapped this lass with an instrument, I was shaking a bit...they [police officer] took me photograph and put me fingers in this horrible sticky stuff and didn't tell me why. I just wanted to go home I didn't do all what they said, never, but I had to wait for me uncle to come cos a solicitor takes longer and I was frightened of me mam finding out (F: 14G)

In order to counteract the stresses of feeling trapped at the police station it is perhaps understandable that young people denied and neutralised the consequences of their behaviour.

Young People Taking Responsibility

New Labour was elected for the first time in Labours history on a law and order ticket that 'borrowed' Conservative policies on responsibilization. In theory this stance argues that the individual is responsible for their crime and within the milieu of youth justice it follows that young people should be responsible citizens and face the consequences of their actions, a theme upheld in their establishment of the FW. However rarely obvious in young people's recollections of the FW procedure was there explicit evidence of them 'owning up to the offence'. The following statement from a young male who received a FW for arson amounting to more than £1000 illustrates this well:

It was only a shed and there wasn't much stuff in it anyway. It wasn't a house or anything but they wouldn't let it lie. They thought I was some kind of psycho or something and made out that it was much worse than it was and I wouldn't admit to it (M:15 F)

A common theme was that young people rationalised their behaviour rather than took responsibility for it. Blocking out information (Matza 1969), neutralising and refuting the consequences of behaviour are strategies (Douglas 1994b) pertinent to young people's sensibilities that they use to deny their involvement or direct blame onto others when feeling under threat from those in authority (Hagell 2000) as the following account taken from an interview and fieldnotes on 6th September 2001 bears testimony.

Jemma aged 14 received a FW warning for a section 18 assault. She stated during interview that along with four other girls she attacked a school friend on the way home from sea cadets. She also reported numerous previous fights and misdemeanours at school that had led to her being permanently excluded from school. Jemma said her father was unaware of her FW and she was apprehensive should this ever come to his attention. During conversation with Jemma's mother she said that her daughter's behaviour was 'trying at the best of times' but nevertheless felt that her exclusion from school was excessive (Newcastle LEA had the third highest rate of exclusions in the country during 2001/2002).

LKS: Can you describe what happened, why you got a FW?

Jemma: Me and my friends were on our way home and one of me friends was saying that she was going out with one of the other girls boyfriends and she didn't care about it, she didn't think it wasn't wrong or bad or anything so we hit her.

LKS: How did the police got involved?

Jemma: They came round to see me and I said I didn't punch her or anything I just got hold of her hair, the others punched and kicked her and pulled her hair but they said it was bad because she had cuts and a broken chipped tooth.

LKS: So were you arrested by the police, what happened whilst you were in the police station?

Jemma: Yeah, I was gutted, really gutted because I was kicked out of school as well, and the police made it worse cos they tried to say I punched her in the face... the lying gets...me dad would kill us if he ever found out. Anyway it was the other girl who did that, I just pulled her hair and kicked her. I kept saying there were four others not just me, I only did a little bit. The police kept saying you shouldn't expect injuries like that but I kept saying it wasn't me, it wasn't all

my fault like you couldn't blame me for it all. Think of what would happen if you admitted that?

LKS: How do you feel about the incident now?

Jemma: Bad, I felt really bad cos of what happened to me it's wasn't fair that I got a warning the police are liars...but I'm friends with her now

Judging the wrongness of their actions by what happened to them as a result of receiving a FW rather than according to their own behaviour and intention (Hazel 2003:26) was a frequent theme, especially when it concerned violence. The following quote from a young male implies that 'fighting' amongst young people was a regular occurrence during and after school:

...all kids fight, especially at school...you have to stick up for yourself, some can't and they're just sad, but that's what we all do, that's what's expected of us and not just boys its girls as well (M: 14 H)

Studies focusing on the meaning and context of violence especially in girls lives show that fighting amongst them is seen as normal (Phillips and Chamberlain 2006) and usually it is centred around physical appearance and the desire for male attention (Griffin 1993). As two young females said:

You shouldn't pinch boyfriends and then laugh about it like you're dead good or something. You'd deserve it. Anybody would do the same in our school. You would expect to get into a fight for that, we all gather round so the teachers can't see. Everybody watches and girls fight loads, especially over boys or maybe showing off in front of people. Trying to make you look daft or something (F: 13Q)

... my friend got her boyfriend pinched by a slag and I said to her you should of smacked her cos that's what I would of done if she did it to me its totally shocking (F: 12 O)

Although young people acknowledged their involvement in violence, the following comments suggest that they thought the victim deserved it:

The teacher made me say I was sorry to her. I could have killed her [the girl] for that. I mean look at me I'm out of school because of her and she started it by calling us names and she hit me back but I was blamed (F: 14G)

...well I got kicked out of school for fighting ... and then got into trouble with me Dad. I couldn't believe it, that's too much isn't it, that's not fair is it? I've already got a warning but this is worse (F: 16: I)

Moreover a frequent grievance was that it was particularly unfair when the victim was not dealt with in the same manner as themselves that conflicts with young people being accountable for their actions:

...she hit me first with a stick so I threw a stone at her and it cut her head open but its only right isn't it? Why should she be able to do that, its not my fault she needed stitches because she started it, it's just not fair I've got a final warning and in trouble with me mam and what's she got for hitting me? ...nothing (M: 12 C)

Four females and two males in this study had received FWs for section 18 assaults (actual bodily harm). This corresponds with findings in the city at the time that showed violence amongst young people featured highly especially amongst girls (see Newcastle Youth Offending Team Plan 2002/3). From the four females receiving FWs for assaults, three of them were also given fixed term school exclusions that is perhaps indicative of society's castigatory attitudes towards females who engage in violent behaviour.

When looking at why young people engage in violent behaviour and under what circumstances it is acceptable Hine (2004) found in a Home Office report on Children and Citizenship that when their peers said things that the rest of the group were

uncomfortable with would generally give rise to a fight. The following comment from one young female having received a FW for criminal damage following a previous reprimand for theft talked of a fight she had at school that illustrates this point well:

...well, they [school peers] were calling me a thief saying I nicked stuff off this little kid. Well wouldn't you hit someone for that? anyone would. They said my family was the same so that's calling them a thief so that's the same thing. You deserve a smack for talking like that and so I did (F: 13 M)

Name calling family members as a rational for acceptable violence was evidenced in many young people's testimonies as two young females articulated:

I would hit anybody who called me family or attacked them or my boyfriend. Everyone would it's the right thing to do (F: 14 G)

...there are always fights because somebody says something about your mam or your brother, things that you can't go around and say. Or sometimes they say you have been with somebody when you haven't (F: 14 E).

These findings put forward that for many young people, fighting is seen as the right thing to do under certain circumstances rather than something they 'know to be wrong' (Hagell 2003:26) as the following comment exemplifies .

There's always a fight that's what we do, the teachers go mad running all over the place trying to stop it but they never will...it's no big deal I had one the other day with this lad it will never stop cos some are just cheeky gets and show you up...they deserve it (M:15 P).

It is within this framework of thinking (Hazel et al 2002; Hine 2007; Lyon et al 2000) that young people often trivialized their behaviour that lead to conflict with adults and criminal justice professionals. The following explanation from a young male offers a case in point:

I just threw a snowball like I was mucking around with me mates and it hit the car next door and he said I smashed his door mirror, and I never. It was an accident, I never meant to smash it, it just happened and I got into trouble with him and with the police (M: 12 C)

One young female aged twelve spoke of taking a bike from the school shed to 'play with' that resulted in her receiving a FW for theft, although she intended to return the bike later:

I was only messing around; just playing like... well it's not serious is it? I just took the bike from the school shed and I was going to put it back... I don't need anything to happen to me for what I did (F: 12 0)

Stephen and Squires (2004) have argued that rather than punish young people they should be seen by adults and the courts as children who behave in an immature manner and should not necessarily be considered as criminals. The following account from Adam aged ten describing how he 'took some locks' from a shed to protect his bike offers a case in point:

Adam was found inside a scrap yard with a screwdriver in his hand. He received a FW for 'going equipped' having previously received a reprimand for stealing sweets to the value of £0.54 pence from the local shop:

LKS: Can you describe what happened, how you ended up in the police station?

Adam: Well I didn't really do anything I didn't pinch or anything. I had a screwdriver and was going to a garage in the scrap yard to get some locks, there were loads of us. I wanted some locks to lock my bike in the shed so it wouldn't get pinched so we climbed over the wall and then the police came and they told me mum I was equipped or something because I was going to get some locks from the back of the garage

LKS: Were you going to steal them?

Adam: No! I was just going to take them, they weren't in a shop, is that what you thought? (laughs) no it was just old locks on a garage in the scrap yard and I

wanted them for my shed, the screwdriver was just to get them off that's all, the locks were old, people round here do it all the time but I got the blame because of the screwdriver the policeman said.

LKS: Do you think it was wrong to do that?

Adam: I do now, but not when I did it. Sometimes you get into trouble with friends and you just don't know how bad you're being like I didn't. I'm just going to work on my bike from now on and keep out of everyone's way that's what my mum says I should do.

Young people aged 10 to 12 had difficulty in grasping the difference between a misdemeanour and an offence. Such failure to recognise what constitutes a breaking of the law clearly calls into question the value of FW legislation in deterring young people's behaviour. It also raises the moot point of lowering the age of criminal responsibility and the abolition of *doli incapax*. In brief, *doli incapax* was a long established part of the law that provided a legal safeguard for ten to 13 year olds as it required proof that the young person appreciated what they did was seriously wrong rather than being mischievous. In Adams case it would be difficult to argue there was any deliberate intent to commit a wrong doing and in this case it supports the plethora of arguments that youth justice initiatives fail to protect the legal safeguards of young people (Goldson 1997; 2000, Bell 1999; Evans and Puech 2001; Gillespie 2005; Dingwall and Koffman 2006).

Young People and Parents

It has been argued that no matter how benign parents, teachers and other adults may be, relationships between adults and children are characterized by differential power resources (Smith 2000). Many young people could not talk about the adults in their lives without continually making references to being controlled and punished by them and unsurprisingly, the reaction of their parents was crucial in how they made sense of the FW.

At the same time parents were also seen as an irreplaceable resource and the majority of them talked about the desire for a parent (mostly mothers) to come to the police station upon their arrest that can be understood within the context of young people's fears and anxiety about being in trouble and the desire for parental protection. This was recognised in the PACE Act 1984 discussed in the last chapter that established the 'appropriate adult' to safeguard young people as they are 'susceptible to interrogative suggestibility' (Pierpoint 2006:453), or rather they are prone to giving information that may be self incriminating.

Whether the role of appropriate adult is best undertaken by a parent was debateable in this study that sits with findings elsewhere. Hine (2007) for instance found that most parents were ignorant of the rights and role of the appropriate adult and young people were often left feeling vulnerable. Holye and Noguera (2008) also found that parents were too emotionally entwined with their child that frequently inhibited the interview process. The following interview demonstrates the uneasy mix between a parent's rights to be with their child and the young person's need for effective advice:

LKS: Who was with you at the police station when you were interviewed?

Robbie: Well first me uncle he's sound and then me mum last

LKS: You were interviewed at the station twice?

Robbie: Yeah I got away with it twice, just said its wasn't me I wouldn't admit it they can't prove it was me

LKS: Can you tell me how you eventually owned up then what you said to the police?

Robbie: Well I would have got away with it again like the other two times. I kept saying it wasn't me but me mam was there this time and she just looked when I was saying it wasn't me and she shouted Robbie you're a fucking liar and right in front of them all!

LKS: Then what happened?

Robbie: Well they knew, I was copped proper I can't lie in front of me mam she always knows, she kept saying to the copper I always know when he's lying and I'm telling you he's lying now (M: 14)

It is not the role of the appropriate adult to secure a confession from the young person although the police may prefer it this way (Evans 1993). In reality parents can adversely affect the dynamics of the process (Holye and Noguera 2008), indeed the incriminating methods used by the mother, if used by the police would point to a contravening of the Codes of Practice and calls into question the entitlement of having a parent as an appropriate adult.

Parents were also critical following the FW. In contrast to critiques from the public and the police that cautions and FWs are a soft option (Goldson 2000) many added their own punishments such as physical chastisement as one explained:

The worst thing of all was me mam, I was scared what she would say, that's defo what frightens you the most is wondering whether you are gonna get a big smack or grounded. I did a big bat and even me nana had a go (F: 14)

Whether in terms of the embarrassment they had caused or the fear of parental reprisals young people were bound up in their parent's perceptions of their behaviour as the following dialogues show:

I think I've really embarrassed mum although she wouldn't say so. I feel worse about that than anything. When they said I would go to court next time I thought wow imagine the stigma of that, mum just will not handle that at all (F: 15)

I still have nightmares now about me dad finding out. That was one of the things me mam would only agree to, me going back to school or else she'll tell me dad. I couldn't cope with that, he'd be dead disgusted with me and I don't know what he would do (F: 14)

I don't think me mam and dad will get over the embarrassment of me being in trouble for a long time I felt terrible (F: 14).

Others spoke of missing trips out with friends, being 'grounded' after school or having pocket money suspended for a period of time adequately summed up by one young male who complained 'I was in for two weeks with no pocket money, me nana made me mam finally let me go out again' (M: 16). Another was given a detention from his school as punishment for receiving a FW:

Some of our teachers are real nerds; like they think there your mam or dad always saying no football for you lad and always making us do after school on Fridays. The youth man told them I had a warning and that just made them give me more detention (M: 14)

The following dialogue illustrates how the FW for some can be understood as an extension of the 'disciplinary reach' (Holve 2001):

Megan, aged 15 was issued a FW for theft of cosmetics from a high street retailer to the value of £4.80. She received a reprimand a week earlier for a similar offence. Residing in an affluent part of the city with her mother and three siblings (her parents having recently divorced) she attended the local private school. During interview she talked of using varying recreational drugs, under aged sex, and recent emergency medical treatment for consuming more than a litre of vodka. She states:

My mum doesn't like me hanging around with charva's especially now I've got a warning. She says I give people the wrong impression. Mum has banned me from seeing who I want to and makes me come home earlier than usual. It just makes me go wild at times like I'm rebelling against it all but I'm only having a laugh with them, at least they [charva's] know what fun is. It takes away the pressures of school for me because the teachers are always saying you must do so and so hours of homework or revision all next week. I'm expected to go to uni but I'd rather just hang out and so I don't tell her who I am with or what I am doing. It's best just to lie (F: 15)

This account was not typical of all young people's experiences as some, who had siblings or other close family members known to the police received less reproach and regulation from their parents. As two stated:

Me ma wasn't bothered, that man next door is always getting me into trouble, he just doesn't like us living here. He always says I'm doing allsorts of things. Me ma said it's because of who our family is, we just get set up all the time, and she knows what the police are like (M: 12)

Me mam's been through it with me dad she wasn't that bothered she knows what the cops are like and what I'm like ...she just lets me sort it out (F:14)

In contrast to the socialization perspective that interprets young people's lives (Macdonald 1998) from their structural position; young people here had diverse experiences of the FW and varied experiences with their parents, as their parents held different perceptions of their child's behaviour.

Receiving the Final Warning

Young people also had mixed experiences and viewpoints of the FW surgery. The purpose of the surgery is to deter young people from further offending by bringing home to them the consequences of their behaviour in an official forum (Keightley-Smith and Francis 2007). Although shown earlier in the chapter many young people had reservations about the level of culpability the police placed on them during the police interview; some of their accounts of receiving the FW implied that they were more passive during this part of the procedure. This is perhaps indicative of the formality of the procedure as some were surprised when inspectors didn't castigate them. As two explained:

I thought he was sound...I wasn't expecting it though...it was like he really cared what happened. He said he understood that we lads get into bother but that we could also put it right. I think the warning is a good idea when you get a copper like that, are they specially trained? I remember he kept saying if you are going to be in bother again stop and think about what I have just said (M:16 J).

I thought the inspector would be worse than the police when you're getting a warning like. I thought he'd say what did you do that for, who do you think you are you little shit, just like they do on the street, but he was sound like he really understood how it is for kids (F:15 L).

Others felt that inspectors 'didn't like them' or 'looked down' on them (F: 15F) and within the context of young people's preconceived ideas about the police it is perhaps understandable that some took umbrage with inspector's attitudes towards them. The following quotes from two males illustrate this point well:

He just kept calling me a liar, like he didn't like me. He was like a big show off... I just hate them all, me family does as well. They think they know everything like how does he know I won't get a job. I'm not bothered anyway... he told me off for shrugging my shoulders (M: 14 F)

I just think all coppers are wankers. I wasn't even listening to what he said... I don't think he liked me though; he kept saying are you listening to me? Why are you looking out of the window then? (M: 16 J)

Such perceptions of the police may offer one way of understanding why some young people saw inspectors as unable to impact positively on their lives (Loader 1996:133) as two complained:

...the police are big heads and think everything they say is right ...I didn't listen one bit to the inspector. Man they are so wrong...and treat you like shit... I had a fight just the other week...so what...going to see a policeman doesn't do anything (F: 14 E)

...they are not on our side (laughs). It doesn't matter what we say I didn't really understand what he was on about but what goods he gonna do ...and what for? (M: 11N)

On the whole females who attended the FW surgery reported less hostile interactions with inspectors. In so far as gender differences can be identified this could be attributable to the less authoritarian stance the police have been known to take with females (Brown 1997) or as shown in the last chapter, it may be the result of the importance some inspectors attached to parental involvement in the procedure as three reported:

The inspector was sound, really sound. He was good with me dad too, he really sorted him out, they were both doing all the talking so that was good for me and it made it easier (F: 13 D)

I expected it to be horrible but it was nice really. I mean he was nice, he just told me that it was not good for girls to behave like this and that I could make life better for myself (F:14 G)

He said he couldn't understand how somebody like me was thieving...he said I could do better and I was an embarrassment to my parents who didn't deserve it. Me mam agreed but he was nice when he said it (laughs) (F: 15L)

A few young people had difficulty in remembering the FW surgery. A young female recalled 'all I remember was that he smiled [inspector] when I left' (F: 16I) and another said 'it doesn't do anything. You forget it straight away' (M: 10B). When added to the comments below it becomes clear that for some young people the FW is a soft option:

I've had a caution before and it was just the same, but it felt a little bit more serious this time because of the room you have to go in and they talk to your mam more this time than the last time. It felt a little bit worse I suppose but nothing I was bothered about. I mean nothing happened to me it means nothing doesn't it? (F: 13 M).

It was nothing really straight in and out. I can hardly remember it and it was only two weeks ago. You feel you're in bother at the time but as soon as you get outside then that's it, it's just a let off really. I mean its not like you're sent to prison or anything, my mate has been in a youth offender place and he said that's terrible and it put him off...but a warning nah(M: 15 P)

These findings add to a growing body of literature which examines the sense that young people make of their world, how they construct it and the decisions they make (Francis 2007; Alderson 2000) in a criminal justice setting. Garland used the term 'penal sensibilities' to explain how the 'cultural transmission of feelings, behaviour and values' (1990:197) have the ability to form our attitudes to what we believe is a practical and acceptable way of dealing with those who have broken the law. Missing from his analysis is whether young people share the same 'penal sensibilities', as adults or in what ways they differ. In adding to this literature the findings here show clear differences between young people's perceptions of appropriate punishment and that of adults and criminal justice professionals. For instance one young male thought the FW procedure was far too severe despite it is founded upon avoiding the court:

I think it is too serious, having to go to the station... there's better ways to deal with us than that, like get your mam or dad to sort it out, we don't do really bad things we're just kids that's all, we don't deserve being treat like it we aren't grown up (M:11 N)

This was further expressed in the indignation felt by some that 'kids' were dealt with like adults and locked in a cell. The following accounts are paradigmatic in this respect:

Being locked up, how dare they ...it was horrible, you just sit there for ages in a tiny room, you can't believe what you have done that could be so bad to deserve it. You can hear people walking up and down and checking on you all the time you can't get out (M: 14 F)

I know I done wrong, but it was hardly anything, but I'll never forget being locked up in a cell for ages, we're just kids it's not right we don't deserve that. They take your finger prints and you're with grown up proper criminals (F: 13 Q)

Garland (1995) made the point that being locked up is a focal point when talking about punishment and one young female here likened the detention cell to feeling like a 'real criminal':

...being all closed in was the worst thing... we're not criminals I hated it; it was like prison. I hated the colour of the walls and the horrible smell. I was frightened about what me mam would say cos it looks like you have done something really, really bad like killed someone... I wouldn't want to go there again...it's not right (F: 14 E)

Shown in the last chapter many inspectors during the FW surgery had eluded to the court should the young person reoffend that rendered large and clearly worried some young people. Leaving them to the retribution of the court resonates with the emotional shift in policy making that is 'turning from cool to hot' (Garland 2001:11). From this framework the FW stood as one step towards court rather than diversion from it as the following dialogues testify:

I would hate to go to court I just think about everybody sat there just looking, and me wondering what they are going to do. How scary is that, have you seen those wigs on the telly, I would be scared I might laugh and then get into real trouble (F: 13 M)

I would feel sick if I had to go to court that's what puts you off doing something again cos you go to court. All of them people watching you. I would be frightened that I couldn't understand them, or they didn't like me or something (M: 12 C)

If I went to court maybe I'd get taken away from me mam and me dad and could go to prison. Me dad, he's poorly, so I wouldn't want that cos that's what happens doesn't it? You go to court and get sent away (M: 10 B)

These comments suggest that young people held distorted ideas about the power of the court. Interestingly not one of them thought a court appearance would result in something *less* being done to them such as an absolute discharge. As such young people know very little about what they should expect if a court situation were realised:

Well they can send you to a different school and make you do things like you don't want or take you away to prison or from your mam, they can do anything they like to you (M: 11 N)

The final part of the chapter examines young people's perceptions and experiences of YOT intervention, their rational for participating in it, and their reasons for refusing it. The findings draw upon the sample of twenty young people selected for interview who had participated in intervention and brief informal conversations with those young people and their parents outside of the FW surgery who were intending to refuse intervention.

Early Intervention and Moral Responsibility

New Labour had made it clear in the White Paper 'No More Excuses' its commitment to holding young offenders to account for their behaviour primarily, though not exclusively, through the pursuit of FWs (Home Office 1997). Intervention following a FW is voluntary and thus the onus is placed on young people to become involved in their own risk management and their own moral training (Hannah-Moffat 1999). As the study had a concern to understand young peoples logic in a criminal justice setting they were asked

to describe why they participated with the YOT. Shown in the following dialogues their responses were very mixed and for some it was something to occupy their time:

It was something to do, I think its good because it sort of makes you feel better like you've done something back well that's what the worker says but you soon forget and its back to normal (M:14 F)

I went to the youth club to play tennis that was good and I got a beef burger from the lady [YOT] but it would be best if you could take your friends with you I would go again (F: 14E)

I thought the guy was sound, he's got a season ticket so most of the time we talked about footie and I'll always talk about footie (M: 13 A)

The point of intervention is to enhance the provision of solution focused activities to young people and their families with the aim of addressing the causes of offending and so lessen the risk of further crime (Home Office 1997a (para.5)). For one young male this was clearly not a suitable way to address his behaviour:

I was glad I did it. I just saw the woman to find out what was going on... like they might be able to keep me out of trouble or something but its difficult to see the point really I don't think it keeps you out of trouble well not for me anyway (M:12 C)

Others showed very little understanding of the purpose of intervention, as one explained:

I think it might be alright for some but not me. I didn't need to be told about drugs or how to stop. I just saw them twice and he didn't seem too bothered really. It was just a bit of tack and I'm not going to stop, why should I everybody does it. I'll just try not to get caught (laughs) well it just really chills me out, seeing them won't stop me (M:17K).

Young people mentioned that they felt they were denied the opportunity to exercise self-expression in terms of their own values and needs and their choices were often constrained by adults:

My mam said if I didn't go to see the youth officer she would tell me Dad about the trouble I was in so I had to really. My Dad will kill me if he ever found out about it (F: 13A)

I'm always fighting and stuff, my mum she said it might do me some good, if she said she wasn't bothered about me going I wouldn't have gone. I just saw the guy twice, it was ok I was glad to get it over with. I'm not sure if it stops young people getting in to trouble (M: 15P).

One young male who received a FW for a section 18 assault and who was subsequently excluded from school talked of how FW intervention had negative consequences for him:

Me dad kept saying all the time that I should see the YOT man because I might get back into school, but I didn't want to go but then I did. Well I was talking to the man about me fight like and how it happened. He said that he would have done the same as me and it was right to chin someone for chinning you because who really turns the other cheek when someone lamps you? Well when I told the headmaster, like what he'd [YOT] said, so I could get back into school like, he just shook his head and said I'd learnt nothing as usual so it got me in more trouble (M:14F)

In this sense policy initiatives geared towards the support and self efficacy of young people are in danger of ignoring young people's positions in society (MacDonald and Marsh 2001) as often they did not have a say in whether they participated in intervention or ask for help in areas that were significant to their lives. As two articulated:

Me mam said it was a good idea, so I went along. Anyway she said she'd tell me Dad if I didn't and he'd have a complete rag on me if he knew that I was in trouble. Dad would have made me see them anyway. The man came here once and then I went to the office, he talks to you he was nice but that's all, I can't see the point what do you learn from that (F: 13D)

Me mam said I had to go and me gran said she'd give me 20 quid if I went but not to tell me mam. I wouldn't have gone otherwise. There are better things we could do we shouldn't have to be made to do this its not fair it just makes them feel better like something is happening to us for what we did (F: 14E)

At other times young people took an active part in the right to be heard and take action on their own behalf. The following case from Newcastle North BCU FW surgery on November 13th 2001 shows how despite pressure from those in authority to comply with intervention young people can and do resist:

Darren is a tall young man who sat clumsily on a chair seated next to his mother. The inspector asked him to explain 'what happened' and Darren replied that he had thrown a stone at a school window with the intention of breaking into the building. When asked to elaborate on his behaviour he smiled at his mother before saying that he was going to pinch a teddy bear from the class room. The FWO cut in asking Darren what school he attended. His reply indicated that he receives specialist education. Darren's mother began praising that her son 'is a good lad', then went on to say that he 'gets easily led' presumably meaning that his peers goad him into inappropriate behaviour. Mother explained that Darren had been well chastised by his father and that his pocket money had been temporarily suspended. The inspector asked Darren about his intentions when he leaves school and Darren said that he wanted to join the army. The inspector advised him 'to behave himself in future if that is the case'. His mother confidently assured all that he will.

The FWO enquired if Darren would like to draft a letter of apology to the school by way of restoration explaining that it is not compulsory but it does help should Darren get into any further trouble. Darren smirked and said no he didn't want to. Keen to get Darren to comply, the FWO said she was willing to assist with writing the letter which clearly made Darren ill at ease. Staring at the floor he replied that he doesn't want to do anything and he doesn't have to. The FWO handed Darren's mother a business card with the offer of further advice should she require it. Outside, neither Darren nor his mother displayed any willingness to engage with the YOT as his mother stated 'we don't need that rubbish he'll not do it again'. Darren just shrugged his shoulders.

This case highlights the difficulty in engaging young people in a programme of intervention as non compliance with rules is particularly appealing when the rule is not enforceable (Hine 2004). It also highlights that young people's decision making is clearly

not predictable in similar circumstances that serve as a challenge to the YJB. Young people outside of FW surgeries were equally determined in refusing intervention:

There is no way I am doing that, no way, and they can't make me, you don't have to do it, so I'm not. I just won't turn up if they come to my house (F: 13 fieldnotes Newcastle North BCU October 2001)

I don't really know what they do but if you don't have to see them then I won't... I just want to put an end here (M: 16 fieldnotes Newcastle North BCU October 2001)

When he [the inspector] said the youth man will be in touch I thought no way even if a said I would go I know I wouldn't turn up, I just couldn't be bothered and I don't see the good it does anyway (F:16 fieldnotes Newcastle East BCU November 2001)

I don't need to write letters and stuff (laughs) I think I will be alright now, I don't need anyone to tell me that (M:14 fieldnotes Newcastle West BCU December 2001)

Talking and writing and stuff, what good will that do, I mean I just don't want to do it, and they can't make me and me mam doesn't want me to do it that's what counts (M:13 fieldnotes Newcastle West BCU December 2001)

Again parents were crucial in influencing their offspring as one mother remarked we don't want prying social workers around' (fieldnotes Mother December 2001) a perception perhaps brought about by the media tainting of the social work profession and another took umbrage with the procedure stating 'we can sort our own son out thank you very much' (fieldnotes December 2001) that is consistent with historical and contemporary notions that the family are the primarily source of discipline.

Although the majority of young people here did not see intervention has having any relevance in their lives, some appreciated that they were listened to. As one young male articulated:

The man was sound he really listened. I think its good when people take us seriously, not treat us like kids all the time. He only came three times though but it was good, we used to talk about footy and then about keeping me out of trouble but it doesn't do any good like it was just nice...but I don't think about it only now cos you're asking me (M: 14H)

Establishing a rapport with young people has been found more likely to encourage young people to participate with the YOT especially FWOs who stressed the importance of young people 'being responsible citizens' (Holdaway 2001) as the following comments from two young people show:

When the YOT person mentioned the programme I said yes straight away. Its like a way of saying you're sorry I suppose, by taking it all serious, not just shrugging your shoulders and saying what's it got to do with me you have to be grown up when you have done something wrong well that's what I think anyway (F:14 F)

I just thought I would try it. I like the youth worker he's dead sound, really sound like he understands what's going on and how difficult things are he says how good it is to sort things out and take responsibility for your behaviour, he wants to help not get narked with you (F:14 L)

Boeck et al (2006) found in their study on risk navigation that young people often referred to key adults and workers who offered support to them through difficult times in their lives. Thus unlike their perceptions of police inspectors, young people assumed that FWOs were 'on their side' and it was quite customary for them to 'lead the way' in terms of what type of intervention they thought was appropriate and how often:

I told her [YOT] I'm only going twice a week [youth centre] that's all. She said she'd take me the first time but I ended up getting a lift from her three times (M: 13 A)

The YOT man wanted me to say sorry to the school and I said no way man I'm not doing that... he was sound about it, I agreed to talk about offending and stuff with him instead (M:14 F)

Overall young people participated in intervention through a complex set of reasoning's that were at times ambivalent, contradictory and disingenuous as the following accounts show:

YP: I learned about a fire brigade course from a friend who had a warning and she said it was dead good so when the YOT came I said can I do it.

LKS: was your offence related to starting fires?

YP: Nah I hit a woman down the road, but that's all I said I would do so they got me on the fire course it was great and I got certificates (F: 16 1)

I liked the tennis the best you get it for free, it was better than the work about why you offended that's just boring. I think you should only do activities else why would you want to do it, that bit was just like school (M: 12 C)

I went for two weeks to the youth club to use the trampoline it was dead good, saved me mam a fortune she said. I wasn't going to do any work and so the woman said well this is a start...and don't see the point in it really but its good if there's something for us kids to do like (F: 13 M)

Shildrick and Macdonald (2008) point out that young people need to make connections with their own lives if they are to engage with any sort of programme or intervention and clear here was that some young people participated in intervention when they saw 'something in it for them'. In this sense they displayed a calculative attitude to the desirability of the outcome (Boeck et al. 2006), for instance one young female having been excluded from school asked the FWO for help securing a new school placement if

she agreed to intervention whilst another asked the FWO to speak to her teachers regarding the postponement of homework whilst she completed the change programme.

Conclusion

This chapter has examined the perceptions and experiences of young offenders receiving a FW and a programme of intervention in Newcastle. On the whole young people experienced the FW in unique ways that was revealed through their own individual perceptions of legal rules and what is appropriate behaviour and appropriate punishment. However it is possible to identify some key themes. Despite contemporary youth justice interventions that have been developed with the intention of making young offenders take responsibility for their actions (Warner 1999) many failed to see their behaviour as serious. When added with the fact that young people in general are disinclined to respond to authority (Hannah-Moffat 1999) it is not surprising that majority of young people in this study attached a low priority to early intervention. On a broader level this can be understood as young people's sensibilities (Garland 2001) that appear clearly different from adults, criminal justice professionals and government expectations for their reform. The result was that most young people just 'went through the motions' that in many ways may indicate that young people cannot be made to conform.

The next chapter discusses the role of FWOs and explores their perceptions, experiences and the challenges they faced during the beginning stages of the reform.

CHAPTER SEVEN: EARLY INTERVENTION IN THE FINAL WARNING SCHEME

Introduction

The last chapter explored young people's experiences of receiving the FW and early intervention. This chapter examines the YOT procedure in FWs in the study area and the challenges faced by FWOs working within a new youth justice framework. The chapter is structured as follows. First the implementation and development of the FW in Newcastle is discussed. Next FWOs experiences of working within an inter-agency capacity are explored. Finally, how early intervention was operationalised at the beginning stages of the initiative and the effect the change had on practitioners practice The conclusion suggests that in many ways the role of Youth Justice FWO was not clear or fixed in the study area and commitment to the old style youth justice system ways of working was possible.

The Development of YOT Final Warning Intervention in Newcastle

The roll out of YOTs nationally was encumbered by the failure to recruit staff (Burnett and Appleton 2004). It quickly became clear that this was the result of a dearth of appropriate practitioners to put initiatives into practice, in part, because of New Labours

championing of other initiatives with young people (see Holdaway et al 2001). The YOT manager describes this position well:

...in the governments over enthusiasm for initiatives with young people such as Surestart and Connections they overlooked the fact that we the YOT are all now vying for the same staff, agencies are not sending them because there is not enough to go around. We still have seven vacancies in the YOT as a whole and without these positions filled it is impossible to deliver the service effectively (YM)

Many YOTs also failed to replace seconded workers who returned to their parent agency and some agencies found it easier to provide a funding equivalent thus leaving it to the YOT to decide who to 'buy in' (Souhami 2007). In Newcastle positions for police officers and health officials remained vacant throughout the first year (Newcastle Youth Offending Team Plan 2001/2002).

The core members of YOTs nationally and in Newcastle were trained social workers many of whom had migrated from the previous social services youth justice system. The plan for the FW in Newcastle was to recruit two social workers for the role to provide intervention to young people following the delivery of the FW. The first social worker on board had transferred from the FCS in June 2000. Owing to difficulties in staff recruitment it was not until April 2001 that a second social worker joined the team.

Meanwhile the lack of resources and appropriate staffing levels to 'do a decent job' (Burnett and Appleton 2004:11) was being noted on a national level. Such was the case in Newcastle that the sole FWO felt beleaguered by the workload and unable to meet the demands of the citywide role:

It's ridiculous working by myself. There is no way I can possibly assess all young people in the city...I usually concentrate on those young people given final warnings in the east [Newcastle East BCU] and the rest just get left ... the stress is enormous (FWO1)

The needs of the first FWO (hereafter FWO1) in coping alone with the demands of the FW were neglected due to the increasing demands on the team to implement other initiatives such as the Referral Order:

... I can't be in four places at once and other staff, they're all over the place so we can't help each other out...we [the YOT] have other initiatives to roll out but what with and who...this has been badly thought out...very badly thought out (FWO1)

Consequently after three months in operation FWO1 endured ill health and with no other resource to draw upon, intervention did not take place in the city from September 2000 to December 2000 (Keightley-Smith 2001).

Many practitioners in YOTs nationally had feared that new youth justice signalled a change in climate which would directly target the flexibility and discretion staff had previously held. According to Souhami (2007) staff felt that new legislation would be accompanied by mounting pressure upon monitoring and evaluation and the use of IT mechanisms. This was reinforced by FWOs here who having only worked with paper systems in the previous social services system struggled with the use of computer systems. They further felt that the input of data was a task for others to undertake such as researchers or managers rather than an aid to their assessment of young people. As one FWO put it:

Our own work is cut out for us, what's wrong with case files? We knew who the young people were with that system, now its just codes and numbers and we shouldn't be doing that its not what I came into social work for. We have more

important things to do like work with kids...but they aren't happy with that because it needs quantifying and how can we measure that (FWO2)

Cynically one FWO felt that the new culture was more about controlling them, than any greater designs to control offending behaviour:

We've never worked in a system that uses computers to monitor our business and what we do, we're social workers and we make the decisions. We don't need watching or to evaluate ourselves but that's where it's heading (FWO1).

The increasing emphasis on national standards and the monitoring of practice saw FWOS here struggle to progress information systems. In particular the coming to terms with the implementation of the Asset risk assessment tool proved onerous. Taking approximately two hours to complete, this aroused strong opinion:

... Asset is cumbersome and time consuming and far too intrusive for first offenders or for trivial offences. The whole systems are a complete joke; it creates far more work than we had before...all of this filling in you can get nothing else done (FWO1).

The Asset does nothing to help us do our assessment; the kids would get fed up, wouldn't you? Two hours of questions what's that about? It needs to be much shorter or not at all (FWO 2).

This thinking aligns with that found elsewhere. Evans and Puech (2001) for instance found social workers seconded to the YOT were unanimous in thinking that the Asset was disproportionate to what was required for FWs and the majority of social workers in their study used it as intervention in itself.

Both FWOs here, unaccustomed to ‘scientific’ risk assessment tools (Smith 2006:78) viewed the Asset as obstructing their professional discretion and in departing from policy and procedure they both postponed its use. As one FWO stated:

All it takes at this level is a chat with the young person if necessary and with a parent is helpful. The government have no idea, were not using it here its ridiculous for young people and a ridiculous waste of our time (FWO2).

This is perhaps indicative of a social work culture that underestimates the importance of data collection as it distracts from the real work of client contact. As FWO1 corroborated ‘this is just about providing data and feeding the new culture of filling in ticky boxes and we’re not doing it’. As a consequence of the failure to comply with monitoring procedures the Newcastle YOT were removed from the National Evaluation of Final Warnings that was being undertaken by Sheffield University (See Holdaway and Desbrough 2004).

Organisational and Cultural Differences in Partnership Working

Working Together and Information Sharing

As discussed in chapter three, Northumbria police administer all FWs in Newcastle and Newcastle YOT provides intervention afterwards. The government had anticipated that any tensions between the police and social workers would be overcome through inter-agency working that would promote a degree of fusion (Crawford 1997; Souhami 2008) rather than the ‘shotgun wedding’ that some had anticipated (Bailey and Williams 2000:5 and 73).

At the outset it was clear that some of the established conflicts over roles and territory that had characterised the previous FCS had re-emerged in the FW. Northumbria Police were failing to forward to FWOs details of all of those young people issued a FW and in repeat of the FCS, FWO1 talked of his frustration at the police and young people missing out on intervention:

It's up to the police to give us information on warnings; they're the ones that issue the warning not us. It's the same as before in the focus caution. We say to the police we are not seeing young people or doing anything with them until you send us the PROS154 form which gives details of the warning. We do not always get the form within the 24 hours like we are supposed to. Young people thus fall through the net simply because we have no way of knowing that they have had a final warning. We are ground down by habit which means that we don't go chasing information on young people, we never have, we just respond when we get it (FWO1)

The clear distinctiveness between FWOs and police inspector's roles and functions revealed a culture of separateness as the police were in charge of administering the FW and the FWOs were responsible for assessment and early intervention. Whilst there was no duplication of practice, both agencies remained less than cordial and operated an 'us and them' system, as one FWO pointed out ...look the police are not like us we come from different backgrounds...we can't work with them (FWO1).

FWOs continued to operate as social services youth justice practitioners who previously held a culture that managed young offenders in local teams and little interaction and poor communication with other agencies (see Osmond and O'Conner 2004). This may offer one reason why FWOs retained a continued suspicion of police inspectors, as one explained:

We can't trust inspectors to feed us correct information in the stipulated timescale, they are not like us and don't really want to work with us we can sense that. But what can we do about it? I wonder why we bother with this sometimes I have no confidence that every kid gets passed over to us (FWO2)

Conflict in professional identities

Further challenges for FWOs emerged in their pursuance of information on victims. Highlighted in chapter five, the police at the time of the fieldwork did not disclose information to third parties and inspectors had made it clear that they would not pursue victims in order to offer restorative FWs. Neither would they assist FWOs in providing victim information to be included as part of the intervention programme. The following comment is paradigmatic of the frustration this raised in FWOs:

How can we provide restorative approaches under a system like this? We have no police officer seconded to the YOT at the moment and the police administering the warnings don't even write about the victim on the offence sheet. They are not bothered so we have nothing to go on. We don't even know what inspectors say to young people or their parents, would you call this multi-agency working? I'm certain I don't (FWO1)

In order to resolve this conflict in June 2001 a police computer terminal was installed into the YOT along with a seconded police officer to access the police data on behalf of the YOT. After two months in post, the police officer took long term sick leave and the position was not filled during the time of the fieldwork. Rather than develop responsible working practices and expand their own skills to provide restorative contexts with young offenders, both FWOs continued to express professional dissatisfaction with inspectors:

...the police are just not bothered with this type of work. It's just the same as before in the old caution system, they do their bit and to hell with the rest of us. They will always remain at the front of this system and not us, they are the ones that prevent us from doing our work but it is never the case that we hinder theirs (FWO1)

Rather than encourage creativity and innovation (Crawford 1997) FWOs here did little to explore the distinctions between their professional culture and that of the police. Nor did they recognise that traditionally the police have attached a low priority to working with victims of crime (Reiner 2000) in their pursuit of catching criminals which may have reduced the conflict that is evident in the following statement:

The police give us nothing to go on and no access to victim's details, they say they don't have the time. So how on earth are we supposed to fulfil our obligation with young offenders? We're not offering the service we are supposed to and it's not our fault (FWO2)

On a national level variations in procedure were common place (Burnett and Appleton 2004; Bateman 2003). Some police forces engaged with YOTs and provided restorative warnings (Holdaway 2001, Hoyle 2003) whilst in other areas disagreement about the best way to proceed led to 'quiet in fighting' (Burnett and Appleton 2004:20) between the agencies.

Whether real or perceived, differences in the practice cultures of FWOs and the police continued to be a site of quarrel as it became obvious that there were more burdens than benefits in the collaboration necessary to establish successful working relations. Of significance was the police failure to address the problem of issuing reprimands intermittently throughout the FW surgeries that impinged on FWOs time:

It's a complete waste of time going to final warning surgeries. They [police] have you standing around all day while they give out reprimands in between warnings. I can be there for over 4 hours and see just two final warnings. Its is ridiculous, our time is precious and I've got better things to do, its all about them they run the show (FWO2)

Resolute in their belief that the police were colonising the FW, both FWOs eventually gave up attending FW surgeries less than a year into the initiative and thus removing the

only potential for both agencies to work together. This split in working practice did little to overcome the established tensions between the agencies and far from any expectation that FWOs might move from their customary ways and build better working relationships with police inspectors, the ‘turf war’ (Bailey and Williams 2000) continued throughout the time of the fieldwork and long after¹⁰.

Intervention, Values and Professional Perspectives

As discussed in chapter one the FW and was central to the government’s interventionist philosophy in uniting the preventive imperative across all agencies (Home Office 1998: para.2). In the beginning the procedure for FW intervention differed throughout parts of the country as it allowed wide scope for variation in so much as FWOs were expected to design a bespoke package of intervention for each young person (Burnett and Appleton 2004). In Newcastle this raised concerns as FWOs felt they lacked sufficient resources to provide this type of work:

This is ridiculous we have no material to work with and no resources to do this type of thing. We need volunteers, how can we design programmes and do risk assessments and visit kids at home? The youth justice board should at least give us programmes to work with if that’s what they want us to do and we can’t do it until they do (FWO1)

In similar vein to their perceptions of the Asset, both officers had paid little attention to the YJB policy and procedure for early intervention even though it was an established

¹⁰ More recently in an attempt to improve the sharing of data between the police and the YOT the YJBs IT programme, Wiring Up Youth Justice, and the National Policing Improvement Agency are working on a project using the secure email service Criminal Justice Secure Mail that means YOTs can receive notifications by email about reprimands, FWs, charges, penalty notices and victim information from police (<http://www.cypnow.co.uk/bulletins/Youth-Justice/news/813762/?DCMP=EMC-YouthJustice>).

priority for all YOTs. Instead, they used their professional judgement and enjoyed a degree of flexibility and discretion in terms of whether to proceed with intervention or not, as opposed to offering intervention across-the-board:

If we have to intervene with final warnings then risk assessments should firstly guard against intervention and only when really necessary should we target young people. This system just wholesales it to everybody and for most young people it is fundamentally unnecessary, we know that from the years of research and we won't do it, it's not part of our professional values to intervene for the sake of it (FWO1)

Although both FWOs practice was underpinned by the existence of individualised but legitimate interests, it became clear that they both worked within pre 1998 youth justice precepts that caution against over intrusive intervention and its deleterious consequences (Thorpe 1980; Goldson 2000; Pitts 2001). This is articulated well in the following comment:

I decide what intervention is and I don't think we should be asked to intervene with every young person who gets a final warning its not that simple giving it to everyone well that's just plain stupid and unwarranted. I certainly don't, for most of them it's a case of leave the kids alone except where the provision of welfare support is warranted. My concern is obviously with those young offenders who have massive welfare problems such as those who suffer from parental neglect or fail to attend school or are homeless because there is a need to address these issues first. What kid is going to listen to anything I have to say when any amount of problems is going on for them (FWO2)

The concern not to criminalise more and more young people was also explicit:

If prudence is not exercised the final warning system will result in greater state intervention. The reality is that it is worse than the caution system because the police have to respond and the reality of this will lead to a greater use of the courts, and ultimately, the incarceration of more young people. Controlling the lives of those already marginalized may well lead to vilifying them as problem families. In respecting individual civil liberties and family rights by lessening intervention we can prevent such intrusion occurring (FWO1)

Both FWOs found difficulties in reconciling the statutory aims of intervening with the majority of young people, as the unintended consequences of this loomed large that eclipsed any potential benefits that intervention might bring (Hendrick 2003; 2006). As was the case in the FCS, the utility of early intervention ‘across the board’ was opposed:

Intervention for me at this stage is invasive... so intrusive it’s unbelievable. Kids will have social workers, probation officers and police officers coming out of their ears invading their private business if they commit one more minor crime and I tell them that. I say if you don’t stop offending now, and if that’s what you want, and then fine carry on. My priority is to offer as little intervention as possible (FWO1)

These findings highlight the discretion and flexibility that characterised FWOs previous social worker role that is founded upon practitioner instinct regarding the right way to proceed (Munroe 2004). As one stated:

I just tell them why I’m here, that’s enough for most young people and their families, its enough at this stage. Just a reality check of what they’ve done that’s intervention at this stage for me. We don’t go in for anything more protracted really, we know what is needed sometimes maybe a bit more if necessary (FWO2).

This breaking away from the YJB’s principals and practice (Field 2007:320) was not only indicative of FWOs perceptions and preferences but also of the management, philosophy and practice of the team in general. The YOT manager clarified this position:

We do not have the resources to offer intervention to everyone, and neither should we because not all young people need our help. Our prime endeavour is to see that those who need intervention most get it. Certainly not everyone who gets a final warning, that’s ridiculous, they get through it themselves. It’s not that cut and dried and our job is to make those decisions (YM)

This was confirmed in the ways FWOs approached the assessment of need and risk that was often based upon their individual assessments, and their values and beliefs regarding what intervention could realistically achieve. One FWO explained:

The change to a greater focus on looking at the reasons for offending and tackling young people's attitudes might be good but it doesn't sit well in the final warning when it's off to court when they do it again. It's a double edged sword, this system over intervenes with most kids yet it is not enough for those others who really need help, so how can we be judged on what is successful? Surely it's about the circumstances and what is possible? (FWO2)

Clear is that for FWOs here there was no standard way of working. The next section of the chapter illustrates FWOs working procedures in the following case studies of HRAs.

Case Studies of Home Risk Assessments in Newcastle

The purpose of HRA is to allow the FWO to identify any factors that may increase the likelihood of the young person reoffending and gaining insight into the young person's family background can assist this process. The first case taken from an observation with FWO1 on 8th November 2001 highlights the dissension between YJB expectations of intervention and the reality in practice.

Jonathan

Jonathan aged 15 had two previous cautions, one for theft of a mobile telephone when aged 12 and the other for possession of cannabis aged 14. Having recently returned to school following a two week exclusion for disruptive behaviour he recently received a FW for the theft of two music CDs from a high street retailer.

The FWO and I journeyed by car to Jonathan's home address. Although fairly dark, the area displayed clear signs of decline. On approaching Jonathan's house two elderly neighbours shouted 'you should keep away from there' as we

passed weathered carpets, a supermarket shopping trolley and a capsized refuse bin adorning the front garden.

Inside the home, three of Jonathan's younger siblings were present as he came downstairs on instruction from his mother. He entered the living room in front of his mum who was looking nervous but trying hard not to. The FWO asked Jonathan why he had stolen the CDs and shrugging his shoulders he replied that it was his friend who had stolen them and not him. The officer clarified that in order to get a FW you have to admit to the offence and during further questioning Jonathan stated 'so what, that's what kids do don't they, haven't you ever stolen anything?' The FWO said that he had not. Jonathan's mother still looking worried mentioned that Jonathan gets plenty of pocket money; too much in fact and couldn't understand why he had stolen the items.

When questioned about receiving the FW neither Jonathan nor his mother had a great deal to say except that Jonathan said he was interested in joining the army cadets and the police inspector had said it would be difficult if he carried on offending. The FWO probed to see if Jonathan would like any help to address his behaviour and his reply was that 'the army sort's lads like me out'. Jonathan's mother endorsed that her ex husband, Jonathan's father had spent considerable years in the army and testified to the value of the discipline it brings. Should Jonathan fail to secure a place in the forces his mother stated she has made inroads for Jonathan to move to Spain with her mother. The FWO reiterated the consequences should Jonathan continue with his offending and concluded that no further intervention would be necessary. Jonathan remained indifferent and seemed keen to leave the room. His mother escorted us to the front door giving the impression that she has difficulty with her son and it was easier to leave him to the discipline of the army or failing that his grandmother.

On the journey home FWO1 gave the following explanation for not pursuing intervention:

I'll just let the family deal with it, they're capable, and they know what's best. He wouldn't take on board any intervention; common sense tells you that. He is just playing with us. He denies doing it so he would never comply with what we have to offer and under this system that has consequences, so it's best not to try and influence him, leave well alone I say (FWO1)

Even though youth justice is now packaged politically in much more interventionist, risk orientated, actuarial and punitive terms than post 1998 youth justice (Keightley-Smith

and Francis 2007) in this case the officer uses what Pitts (1999:89) calls 'sensitive opportunity', or rather he ceases the opening to assess the context and trusts his instincts to 'leave things alone' even though it runs counter to the anticipated 'new punitiveness' (Pratt et al. 2005) of youth justice.

It appears that FWOs applied their own values and individual instincts to inform the correct way to proceed. This can be seen in the following case study from an observation undertaken on 16.10.2001 that shows the ways in which one officer used the FW as a doorway to provide mainstream welfare provision to the young person and his family.

Peter

Peter aged fifteen has three previous cautions, two for criminal damage and one for the theft of a bicycle. He had recently been re-housed with his family in the west end of the city. According to the FWO a sense of dislocation had contributed to the many problems within the family. Peter had not attended school for over two years and was often violent to his sister and stole money from his financially deprived mother. His father was diagnosed with bi-polar depression and had recently assaulted his daughter. Peter was given a FW for criminal damage when he kicked down the bedroom doors at his home address.

Peter's home was distressingly unkempt. We arrived to find his father sat silently in the chair and his mother continued with the family meal she was preparing in the kitchen. Occasionally she walked into the room to tell the FWO how difficult Peter was and how he was prone to outbursts of aggression. The officer asked Peter if he would like to do some work on the 'gains and losses to offending' and he happily complied. It unfolded that Peter's offending was triggered whenever he felt lonely and frustrated. The FWO suggested some further work sheets on 'thoughts and feelings' that Peter could complete over the following two weeks. Peter said he was looking forward to seeing the FWO the following week as we left the home.

Throughout the coming weeks the FWO found mother a budgeting skills class organised by the local residents association and managed to get Peter to attend school two days a week with her ongoing support. Peter and his sister also began attending the local youth centre.

FWO2 gave the following reasons for her decision regarding intervention:

This family are in need of so much help and to actually go out and do something feels good. It's not really our remit to offer it, but who will do it? The family team have not got the resources so I've tried a bit... that's what's wrong with this system we need more resources because nobody else is addressing these concerns. What happens after I've gone?... he'll just carry on offending I suspect but at least I have given him something to think about in future (FWO2).

Whilst facilitating young people's participation in problem solving skills and the active engagement of workers has been found to benefit the process of change and responsabilization in young people (Kemshall 2002) attending to the welfare needs of the family as a whole echoes with that of the previous social services youth justice system. This raises questions regarding the precise nature of FW intervention its aims and its purpose as in Newcastle this was far from clear.

The following observation carried out on 23.11.2001 goes to the heart of the underlying ideology of a reformed youth justice that supports that all young people will be given opportunities to turn their lives around.

Daniel

Daniel aged 12, was given a previous reprimand for assaulting a boy in the playground that resulted in the loss of two teeth. He was given a FW for a TWOC (taken without owners consent) of a motorcycle that he was found riding on a field with some friends.

On arrival at Daniels home we received a keen welcome from his mother and from Daniel who ran towards us with scrap books and photographs that gave a meticulous account of his sporting prowess. Daniel is a national under aged 13 sports champion and having just returned from Ireland he is scheduled to fly to Brazil in three months time for a rematch.

Daniel admitted to 'larking about with the bike' dismissing any notion that he had stolen it. The 'the police just go looking for trouble' he said. Receiving a FW had made an impression on him and he articulated that it was like 'going to see the head'. He appeared disturbed when talking about being held in the police cell attesting that 'it makes you feel like a real criminal'. When probed, he spoke openly about his previous reprimand for an assault on a schoolboy and how lucky he was not to have lost his sporting license. Coming to the attention of the police again was obviously having an effect on him, and he was adamant when he said

his intention was to stay away from the playing field to concentrate on training for his next match. The FWO officer thought his current offence was trivial in comparison to the previous assault on a young boy and found difficulty in knowing how to proceed. Daniel was informed that no further intervention would be necessary despite that he was keen to participate.

The FWO commented later:

How petty is that? For heaven's sake riding on the common on a bike, a found one at that! It's just normal kid stuff, why should we have to bother with this? We don't have time for all this and why do the police bother with this formally anyway? I have no idea what we are supposed to do in cases like this, but I go along with nothing (FWO2)

Social workers in the previous youth justice system did not usually work with offenders until they were more 'seasoned criminals' and as such FW intervention brings a new challenge. However in line with the thinking of many of the inspectors, FWOs felt less informal and intrusive solutions should be available for dealing with trivial offences of this nature (Evans and Puech 2001; Pitts 2002; Hine 2007). In this way a 'common sense' approach prevailed and despite that the young person was willing to engage with the YOT, the decision to 'do nothing' was deemed more appropriate. It thus appears that the working life of a FWO at the early implementation stages in Newcastle was vague and uncertain.

Prioritising non intervention

Despite government intentions for practitioners to 'change their mindsets' in their drive towards greater accountability in practice both FWOs and the YOT manager continued with their previous ways of thinking. In trying to make sense of such firm resistance, it might be the case that those trained as social workers take more control in how they respond to the demands of legislative change over and above what has been evidenced in like minded professions. For instance probation officers have adapted to the demands of

the change from the well established organizational values of ‘advise assist and befriend’ (Osmond and O’Conner 2004) to law enforcement officers, yet social workers here refused to abandon their occupational identity, and rather showed the capacity to stand firm or devise other priorities for intervention. This perhaps explains the low uptake in the FCS and why as discussed in chapter three, only fourteen per cent of young people who received a FW in the city followed up with intervention. The YOT manager puts forward a convincing explanation in the following statement:

The cost of unnecessary intervention by offering it to everybody across the board is a waste. Not all young people need it, nor should they be offered it. To do so will have a reverse effect because of the even greater demands on resources it creates. That in turn prevents the ones who really need it from getting it. It’s important to ensure that this doesn’t happen, so a lot of what we consider minor offences are not offered intervention; it’s the right approach to take. The governments reliance on reconviction figures are far to blunt a measure of the work we do with young offenders. Targets of eighty per cent of final warnings receiving intervention are ridiculous, ‘what works’ is not everybody who passes our way needs intervention and those that don’t get it won’t necessarily become a reconviction figure (YM)

The findings as a whole support the work of Eadie and Canton who established that those who work with young people are ‘grounded in the job’ (2002:15) and always interfere between policy and practice, a theme that was clearly endorsed by the YOT manager:

The change of direction over the last two years was political rather than research-driven and it’s too easy to argue that young people no longer grow out of crime just because the research states that it just takes longer than it did. This does not imply that it is indefensible not to intervene at an early stage in young people’s lives, or that it in other cases it is not the best and most appropriate thing to do, but we decide(Y M).

In this sense the role of FWO is indiscernible from the old style youth justice system of working as practitioners redesigned the rigid framework of FW intervention to one based upon individualism, flexibility and discretion.

Conclusion

This chapter has aimed to critically examine how FWOs in the study area responded to the challenges of the FW scheme. Interviews and observations with just a few practitioners are obviously limited in scope and application but the findings are still pertinent as a consequence of their qualitative richness and contextual analysis at the beginning of a new youth justice intervention. Two themes have emerged. The lack of resources and the professional cultures of two FWOs and the YOT manager coupled with their training and learning continued to inform the delivery of practice at the local level. This is in part the result of a resilient occupation culture that has remained committed to a social services silos and a YJB that clearly left sufficient discretion for staff on the ground to implement different views of practice and purpose (Piper 1999). The next chapter draws together the findings from the thesis and addresses what can be learned from a local FW scheme.

CHAPTER EIGHT: THE FINAL WARNING IN NEWCASTLE

Introduction

The aims of this chapter are twofold. One is to distil and develop some themes that have arisen in the thesis set against the New Labour government's 'responsibilization' agenda and two, is to theorize the FW within the broader cultural and structural context. The chapter is in two sections. The first part summarises the findings and offers some critical commentary in the following order. Firstly New Labour's attempt to manage police discretion is discussed and the role of the police in FWs is questioned. Next, the likelihood of legislative reform in producing greater conformity and responsibility in young people is explored. Following on the challenges for FWOs and police inspectors working in partnership are considered. The second part of the chapter discusses the tensions between New Labour policy and the reality for practice on the ground level. The conclusion points to a continuation of customary organisational practices in Newcastle.

The Management of Police Discretion

As discussed in chapter two, the use of police discretion in caution procedure up until the FW was fraught with inconsistencies. In order to circumvent this practice and create more uniformity the FW offered a less discretionary and a more robust system of diversion. The reform however was not without challenge. Some of which has opened up areas of concern regarding the police role in FWs that are worthy of further debate.

Of note is the police control of the 'front end' of the reform. To reiterate that said in Chapter five, the procedure for FWs follows that the police investigate the complaint, collect the evidence and then decide if it is admissible as a breach of the law, or rather, there is evidence to suggest an offence has taken place. Under arrest the police carry out the interview with the young person and decide when a reliable admission to all elements of the offence has been given even though this could be challenged. Police inspectors in FW surgeries then use their discretion to administer a reprimand, FW or charge the young offender if they deem fit. Owing to what Gillespie calls 'a silence by statute' (2005:1006) neither the young person nor their guardian is required to give consent for a FW and nor can it be refused. When taken within the context that FWs can be cited in court should a further offence materialise and they are entered onto the Police National Computer (PNC), the police are thus rendered 'judge and jury in their own court' (Bell 1997:243) and the FW a 'de-facto' sentence. This is a surprising turn of events when considering in chapter two, that the police were removed from investigating the offence and prosecuting the offender under PACE (1985) because they could not be relied upon to maintain impartiality, an issue that arose in this study.

The findings in chapter five have shown that discretionary decision making at different points in the FW procedure remained at large in Newcastle as a repertoire of irregularities in decision making is possible. In particular, the formal police interview opened up areas of controversy in police practice. As discussed in chapter five, in attempt to secure a confession one interviewing officer paid limited attention to the evidence given by the 'suspect' preferring his own version of the event. He then proceeded to employ dishonest tactics to elicit an admission. Clearly young people are vulnerable in the interview situation and it is not always the case that their parents as appropriate adults have the

wherewithal to protect the legal safeguards of their child (Hine 2007; Pierpoint 2006). In order for better justice and fairness for young people this calls into question the need for providing proper training for interviewing officers and those wishing to support their offspring, or any grown-up wishing to undertake the role of appropriate adult.

Justice for young people is further destabilized when considering the incremental nature of the FW reform. A FW is usually issued for a second offence (as long as it is not a gravity score of 4 that requires a charge) and it therefore allows that it can be administered for an offence that was less serious than the offence for which the young person previously received a reprimand for. For example, two young people in this study both having received previous reprimands for section 18 assaults were issued a FW for riding a motorbike on a playing field (taking a vehicle without consent) and a petty shop theft (three babies ‘dummies’) respectively, on the basis it was their second offence. Such ‘rules’ do not apply in the adult court of England and Wales (although this might be the case in the USA 3 strikes system) as an adult would not expect to receive a higher sentence tariff for possession of cannabis on the basis that he had a previous conviction of processing heroin. Indeed it would be looked on favourably by the court as a reduction in offending. Whilst accepting that FWs are at the ‘soft’ end of the criminal justice system they nevertheless call into question the principle of proportionality.

Young people are being dealt with outside the legal field of adults. Although FWs in theory have effectively strengthened the legal criteria in which diversion can be applied this may have little impact at the local level. The study has highlighted that despite the reform police authority remained non negotiable (Corianos 2001) as inspectors reworked the guidelines (Ericson 2007) often using knowledge ‘beyond the rules’ (Bourdieu 1962)

especially when they felt that police authority was being challenged. This included at times, the stigmatizing of young people and impinging upon their rights that can be adequately explained by Young and Hoyle in their conclusion of police restorative cautions: They said:

...to expect the police, against this backdrop to be able to facilitate a restorative encounter in a fair, neutral and effective manner is to ask a lot... ultimately they have the power to abuse it and they do (Young and Hoyle 2003:289-90)

As there is no mechanism to ensure that guidelines are applied the need for an internal review of FWs and monitoring of police practice is called for. In turn this may minimise police discriminatory practices (Chan et al 2001, 2004; Dixon 1997; Sanders and Young 2003; Ericson 1991; Campbell 1997) that have arisen in part because policy options for reform have failed to take into account the active role played by individual officers (Campbell 1997) that can alter the course of events for young people (Gillespie 2007; Hine 2007; Keightley-Smith and Francis 2007).

Young People and FWs

Young people's actions have been placed under intense scrutiny in the western world. Often depicted as out of control, irresponsible, and 'morally wanting' (Goldson 2000; Muncie 2004; Pitts 2001; Smith 2003), those engaged in anti social and criminal behaviour have been referred to in the media as 'feral' and 'vermin' and a blight on society. In order to tackle this 'endemic' New Labours response was to orchestrate tougher and harsher reforms for young offenders with the intention of making them more accountable for their behaviour (Warner 1999) and face up to the consequences. The FW

is the first measure for young people to own up to the offence take responsibility for their actions and 'right the wrong' by participating in a YOT programme of intervention.

The FW in Newcastle posed difficult questions about its ability to 'make' young people more accountable for their actions and stop offending. In particular denying the impact the offence had on others is hardly a sign of taking responsibility and young people's negative perceptions and experiences of the police made 'owning up', for some, the wrong thing to do. This was clear in the way they assessed the police evidence against them that determined whether it was in their best interests to admit to the offence or to continue to renounce it. Either way this was scarcely a sign of the moral fortitude (Matza 1969) the government was hoping to instil in young people as they extended the traditional youth resistances to school and authority to 'being in trouble with the law' (Hannah-Moffat 1999).

Young people's traditional responses to rules (Brown 2005; Hine 2007) are endorsed by different morals and values regarding what are acceptable forms of behaviour and what are appropriate types of punishment (Sparks et al 2001). That is, they have their own 'youth sensibilities' that are at odds with adult notions of acceptable behaviour seen in the way the majority of young people defended their behaviour even though they knew it was wrong (Hine 2007). Plainly the prospect of intervention did little to ignite their sense of responsibility as many transformed their wrongdoing into something 'young people do', and therefore were morally outraged that it requires correction. For those who conceded to the YOT, it was usually rooted in 'having something in it for them' or to ingratiate themselves with parents, or other family members. In this sense youth justice

needs a rethink and early intervention might well benefit from more consultation with young people.

A concern of the thesis was to give voice to young people. Brought to light here with regards to being ‘customers’ of criminal justice young people’s experiences of it have been ignored for too long (Hazel 1995; Pain and Francis 2004). Conceivably this could be the result of using a structuralist perspective (Macdonald 1998) that acknowledges young people as victims of social exclusion rather than active citizens, but nevertheless in accordance with the development of children’s rights (UN Convention on the rights of the Child) accepting young people as valid social actors (James and Prout 1997) is paramount on issues that concern themselves. From this persuasion the FW has been established without valid knowledge as to ‘what works’ for them or what it means to young people to be in trouble with the law.

Obviously using different criteria as a framework for understanding has risks in terms of the conflict between adults and young people but at least it may go some way to provide suitable frameworks and interventions for young people decided by what they feel are necessary for them in their lives, rather than what adults feel is the right thing. Young offenders ‘getting the message’ is crucial in order to achieve the policy objective of reducing crime and to leave this ignored could render it unlikely that mechanisms devised by adults to change young people’s behaviour will have any lasting impact (Keightley-Smith and Francis 2007).

FWOs and the Revision of Early Intervention

Early intervention was a main thread in changing young people's behaviour and reforming practitioners who worked with them. Even though traditional welfare based approaches have been replaced with managerial performance measures (Goldson 2000) to ensure consistency and dampen professional discretion this was resisted by FWOs as they deferred to their own conclusion of the individual worth of rehabilitative intervention, a view informed by their own values and philosophies that often ran counter to that of New Labour's and the YJB's view of the reform. Rather than receiving a complementary programme of rehabilitative intervention following the delivery of the FW, the young people here were unlikely to be offered much further support following the HRA (Keightley-Smith and Francis 2007). And those that did, it was usually to supply welfare support. As such the findings in this study have not supported the 'net widening' thesis.

This highlights the capacity for social workers to influence new youth justice reforms in the same way as in the previous youth justice system. Discussed in chapter one during 1930s to the late 1960s they swayed welfare based disposals and throughout the 1980s as an inter alia way of curbing overzealous rehabilitative sentencing the radical change to 'informalism' and minimal intervention (Koffman and Dingwall 2007 see also Thorpe 1985; Pitts 2005) was adopted. From this framework it makes it difficult to see how government reforms can alter practice on the ground especially with an occupational culture that is traditionally resistant to change.

More currently it has been found that early intervention is not as convincing in tackling youth crime as the YJB had envisaged (Smith 2006), although the YJB have consistently argued differently (Ros and Burnett 2004). Studies have been often based upon unrepresentative samples and over confident claims of a direct link between risk factors

and offending behaviour (Smith 2006; Powell 2004) that so far has not been proved (Keightley-Smith 2001; Keightley-Smith and Francis 2007). Moreover the risk of young people being subjected to intervention on the basis of minor infringements of the law can expose them to formal intervention not on what they *have done*, but rather on what they *might do* (Muncie and Wilson 2004) which denies young people the right to due process.

Partnership working and cultural resistance

Central to the FW reform was the anticipation that it would promote efficient inter-agency working between the police and youth justice and a holistic approach to diversion. As was the case with the FCS, the FW afforded little in the way of fostering concordant inter-agency working. The FCS gave some insight into the organisational cultural differences that existed between youth justice practitioners and the police (Keightley-Smith 2001) and it was not clear how far these tensions would spill over into the FW especially as the youth justice worker transferred to the YOT. Early indications in this study show that tensions remained as both FWOs continued to operate as former social services social workers and retained a continued suspicion of the police despite that New Labour had put the occupational culture of youth justice workers at centre stage in their programme for reform.

There is not a lot of detailed research that focuses upon the occupational culture of social workers (Osmond and O'Conner 2004) and how social work 'ethic' translates into practice, nor indeed how they respond to reform and work with others (Smith Paylor and Mitchell 1993). It was therefore difficult to predict their reaction to working in multi agency YOTs and inter agency working with the police; however some speculated it

would be problematic (Smith 1999; Smith Nursten and McMahon 2004). Whilst arguably FWOs felt the core values of their profession had been adjusted that in some ways impelled their resistance to new working arrangements in looking at the evidence from similar occupational cultures whose core principals have been 'turned upside down' (Gelsthorpe and Mellis 2003:227) the probation service offers some insight. The service has been required to alter its remit from one underpinned by notions of 'advise, assist and befriend' (Probation Act 1907) to a law enforcement and public protection agency (NPS 2003). In doing so there has been the tendency for probation officers to transgress their professional culture and fail to protect the rights of the offender even though twenty years ago there was more concern about officers 'over identification' with offenders (Roberts 1997:20). Good working relationships between probation officers and the police have also been reported even though they traditionally have held competing professional philosophies and organisation cultures (Maguire et al 2001). This may indicate that probation officers have little choice and control in how they respond to the demands of new frameworks (Roberts 1997). Or that social work trained personnel are more resistant to change and more opposing of government mentalities.

In this sense it appears that Garland is correct when he states that a new 'crime consciousness' is the only way to achieve effective partnership working in crime control and that this can only be attainable when a profundity of changes have taken place. Key to this he affirms is:

...a new way of thinking and acting that differs quite radically from previous models of crime control...a whole new infrastructure whereby agencies co-ordinate their practices to enhance community safety through the extension of a crime consciousness. This strategy also entails a style of governance... a repertoire of techniques...novel and at variance from previously established ways of thinking and acting (Garland 2000:349).

Such thinking, what Foucault describes as ‘governmentality’ (Garland 2001:125), can be seen in New Labour policy. However, in Newcastle this transition from established working practices and occupational values had yet to take hold as practitioners tended to reconstruct policy in their own way. As such the thesis runs counter to the ‘fusion model’ of partnerships and rather sits with findings elsewhere (Burnett and Appleton 2004; Holdaway 2003) that have shown a lack of unity in existence and tensions on the ground level between partner agencies are common place (Ellis and Boden 2005). Millar summed this aptly when theorizing a local crime control programme in the USA. She said:

...The new conceptions of penology that have emerged over the past several years have not been insufficiently attentive to politics on the ground level, particularly the power ... to resist... and reconfigure crime control policy and practice... and [for participants] to infuse it with their own concerns (2001: 169)

The following part of the chapter attempts to discuss and distill New Labour’s youth justice reform and some of the tensions it has created.

Making Sense of the FW and New Youth Justice: Old Wine New Bottles?

On a broader level the wider changes taking place within the criminal justice arena can be seen in what some have referred to as ‘the new penology’ (Feeley and Simon 1994) of risk management, responsibilization (Garland 1996) and Communitarianism. In turn the reforms cannot be removed from the broader socio-political messages of the Crime and Disorder Act 1998 that advocated the couplet ‘tough on crime and tough on the causes of crime’ in response to the ‘public mood’ that ceased to be pacified by the idea that the

criminal justice system could protect them. New Labour anticipated that these concerns could be addressed by the removal of welfare approaches and newer and tougher earlier regimes for young people (Home office 1997: para 21) and more standardised procedures. From this framework the FW gestured a move away from state sponsored welfare intervention towards a system of statutory penal intervention to ensure young people take responsibility for their actions.

At the core of this thesis is that major tensions exist between New Labours expectations for reform and how it is transformed into practice at the local level. Practitioners' putting aside their accustomed ways of working with young offenders and the response from young offenders themselves was a key area of conflict brought about from the challenges they all faced to their sense of identity. In theory the police and social workers no longer had the discretion 'to do nothing', and young people were expected to amend what has traditionally been seen as a resistance to authority and own up and take responsibility for their actions.

Shown in Chapter one, youth justice and the governance of young people has tended to be beset by conflict that for the most part had been reducible to a welfare/justice dispute (Muncie and Hughes 2002:5) that has led to a complex series of developments in policy that up until the 1980s have generated active and submissive resistance from the magistracy, the police and youth justice workers in terms of how they were operationalised and implemented (Muncie 2009).

Towards the end of the 1980s the government modernisation project took hold as corporatism and managerialist developments signalled a change in the ways in which the public sector was organised. Youth justice became a prime site to attempt to rationalize resources, reform its purpose and principles and establish an efficient crime management system in a cost effective way. Within this context the previous objectives of youth justice such as reform and rehabilitation became subsumed in New Labour's rationale for managing young people and their families (Hudson 2003:49).

Tensions in Policy and Practice

The responsabilization agenda was a clear priority for New Labour's reform and one that brought about opposition between policy and practice. As discussed in Chapter one, this approach tends to the placing of less emphasis on the social context of crime and rehabilitation and more on the concern with active citizenship. In line with market like conditions it also delegates responsibility for self governance to communities, families and individuals (Muncie et. al 2004) in the hope of spreading the task of crime control onto individuals, agencies and organisations. Importantly through micro management it exposes the professional practice of criminal justice personnel and subjects them to constant scrutiny through monitoring, evaluation and fiscal accounting for cost effectiveness (Garland 2001). Evidence of this can be seen in the rise of new patterns of accountability, formulaic decision making and in theory, the gradual lessening of discretion for front line staff. These mechanisms were put in place in the face of hostility from the agencies involved and who showed in this study more concern to preserve the decision making and professional integrity that they had previously enjoyed (see Garland 2001).

New Public Managerialism (NPM) was first engrossed into criminal justice by the Conservatives in the early 1990s. Took on board immediately by New Labour it involved a simultaneous centralisation and de-centralisation of the states responsibility for crime and the promotion of multi agency working (McLaughlin et al 2001) to identify risk factors to prevent crime rather than the causes of youth crime.

It is difficult to prioritize any one mode of governance as acting in isolation in these reforms although neo-liberal prescriptions are evident in the managerial, re-responsibilization, and re-moralization aspects of the Crime and Disorder Act 1998. Again here lies an anomaly. Whereas the responsabilization agenda targets the individual, the re-moralisation plan concentrates on the wider picture of the disintegration of moral fabric (Etzioni 1996) that allows for government inspection and the monitoring of entire families that paradoxically necessitates a reinforcement of state intervention (Muncie and Hughes 2002).

As discussed in chapter one, re-moralising the labouring classes had been crucial to youth justice since the mid nineteenth century in reformatories, industrial schools and the legitimate infringement into family life. In its contemporary pretext it calls for the classification of 'at risk families' such as those on welfare benefits and single parents who are felt to threaten the moral foundation of society (see Murray 1990). Lying at the heart of New Labour policy, re-moralization is most obvious in the implementation of child safety orders, local child curfews, parenting orders and the creation of the anti social behaviour orders. Given they do not require a commission of a criminal offence, intervention is thus deepened under the guise of offering family support to those who require help to control their children. In turn social and welfare programmes such as

Welfare to Work and Surestart can legitimately 'seek to micro manage the behaviour of welfare recipients in order to re-moralise them' (Rose 2000:334) and attach them back into the community.

New Labours concerns to manage risk and make responsible citizens has disregarded the fact that young people living in poverty in the UK is higher than anywhere in the European This inevitably leads to a dependency culture being created (see Pitts 2001) as much of this agenda goes beyond any encouragement for people to go out work or as shown in chapter six, for young people to behave in a 'proper' manner as defined by those in authority (Muncie and Hughes 2002). Those offenders most often in police contact share characteristics associated with family problems and poverty (Goldson 2000; Haines and Drakeford 1998) and as such their approach has failed to promote a fairer redistribution of opportunity and a better chance of wealth for young people and their families. This leaves them largely open to failure and inevitably leads to a continued dependency culture (see Pitts 2001). As such, much of this agenda goes beyond any encouragement for people to go out work or as discussed in chapter six, for young people to behave in a 'proper' manner as defined by those in authority (Muncie and Hughes 2002).

The Political Utility of New Labours Reform

It seems clearly the case that New Labour's reform was also influenced by the change in tenor of public anxieties regarding youth crime. In part this came about because of the long established focus upon the welfare of young offenders that was now thought to undermine the public's confidence in the criminal justice system (Home office 1997: para 21) as new philosophies of 'public protection' came to the fore. Anticipating that these

concerns would be trounced by promoting tougher and earlier regimes, New Labour gestured away from state sponsored welfare intervention towards a system of statutory penal intervention (Goldson 2000; Pratt et al. 2005). This 'punitive turn' that resonates with 'back to justice' neo conservatism authoritarianism was most evident in the Detention and Training Order introduced in the 1998 Act that explicitly included rudiments of regulation and discipline. In this sense the government's preventative model did little to abate youth custody (Pitts 2001; Muncie 2002; Goldson 2000) despite convincing evidence of the damaging effects of prison (Goldson 2002; Muncie 2002). The attractiveness of a 'get tough' agenda is that it mollifies the public by promoting a sense of 'something is being done'. Ultimately it tends towards a more repressive youth justice system and entry to it commences with the 'two strikes and you're in court' mentality of the FW.

On the whole the numerous modes of governance in new youth justice not only invite criticisms of 'reinventing of the past' but its tensions and its contradictory nature may tempt the possibility of continued disagreement and struggle that ultimately is realized in practice on the ground. Indeed a number of academic commentators still remain sceptical in their assessment of New Labour policy (Smith 2006; Pitts 2008; Keightley-Smith and Francis 2007). In particular, the establishment of multi-agency initiatives as a method of crime prevention have been questioned. Despite the positive claims made by the YJB Pitts (2008:134) declared that their early promise had been irrefutably undermined by the YJB's unfounded attention upon YOTs achievements that were largely based on inaccurate targets that attested to the positive functioning of offending programmes (see also Bateman and Pitts 2005; Pitts 2007a). Meanwhile ignored throughout New labours

reign was the time honoured research that states most youth crime is a 'part of growing up' and young people grow out of it (*inter alia* Graham and Bowling 1995).

For instance research has found that nearly half of all young males (49%) and over third of young females (35%) have disclosed offending at some point (see Graham and Bowling 1995) and 25 per cent of children attending school have reported committing a criminal offence at some time (YJB News March 2001). When incorporating those excluded from school the Mori survey (2001) for the Youth Justice Board confirmed that sixty per cent had admitted to an offence. The majority of crime committed by young people is also non-serious and most desist from offending in later life (Rutherford 1992)

Nevertheless, New Labour had come to believe that young people would continue to offend without intervention based upon their fascination with spurious longitudinal research studies they say are 'evidence based' (Pitts 2003). So much so, that the provision of intervention branched into other social and economic policies such as their 'New Deal' strategy. Jack Straw on noting the fact that more than 80 per cent of 16 to 25 year olds on probation orders were unemployed commented that New Deal was as much a crime reduction policy as an economic policy (Straw 1998). This prompted Goldson's apt harangue that 'early intervention has become a signifier of the 'sticky mess of politics' (Goldson 2000:47 also see Pitts 2001) more than any advancement in effective policy making by the Youth Justice Board.

The emphasis upon the preventative imperative was also extended to the introduction of initiatives such as Surestart and On Track aimed at 4 to 12 year olds at risk of offending that classified offenders as low, medium or high risk and 'flagging up' early concerns

about young people's behaviour (Smith 2006:93). It has been argued that these mechanisms are consistent with a youth justice system that rests on outputs (Muncie 1999:150) to inform government policy. In this sense the management of offenders takes priority over young people's offending behaviour and as such it lessens the value of youth justice and what it can logically accomplish (Muncie 2004: 273).

The Reality Principal

This thesis has avoided a complete identification with grand theoretical paradigms and rather sits with Garlands thinking that there is a lot to be learned about the nuances of penal methods and what they can tell us about 'the ways in which offenders are pressed' (1990:154). Through a micro sociological account of a local New Labour reform revealed is how the participants each in turn situated their own concerns at centre stage of the reform. Highlighted as expected within organisations that have diverse histories and frameworks for understanding was significant differences and contradictions in perceptions that created discord between New Labours expectations and how it transformed at ground level practice. As such, the thesis has confirmed that said elsewhere (Crawford 2007; Pitts 2001; 2003; 2005; 2008; Ros and Burnett 2004), that is, despite New Labours attempts to get professionals to work within a common philosophy of unison (Crawford 1997) at its core, the values and philosophies of the agencies working together continued to cause tensions between policy and practice.

As Foucault explained 'if one governed too much, one did not govern at all-one provoked results contrary to those one desired' (cited by Barry et al 1996:9 in Muncie and Hughes

2002:14). It is within this sense, and when understood in terms that respect the actor's motivations and actions that those involved in the reform viewed the FW as overly mediated. By and large, the ways in which inspectors, FWOs and young people 'acted out' the reform, often in a less than routine manner, was characteristic of their reluctance to adapt to new ways of working or indeed adopt new ways of thinking and as such, a rift between government intentions and practical effectiveness emerged (Garland 2001).

In this sense the 'reality principal' (Garland 2001) in Newcastle opens up the possibility that the actors perceived the New Labour initiative as an 'an end in itself'. This was seen in the ways they 'went through the motions' often in ways that expressed their detached reactions to what they considered an impractical government measure that 'carries too much weight' all for the sake of a politicized reaction to being seen to be 'tough on crime' (Burnett and Appleton 2001; Keightley-Smith and Francis 2007; Smith 2006). In turn this can lead to 'fake action' as Adorno explained in his thesis on 'Resignation':

...political undertakings...can sink into theatre...as the ideals...even the propaganda of the act are... resurrected...as 'pseudo-activity' (2001:194)

From this it might be considered that New Labour has 'over administered' the FW in its attempt to stifle the spontaneity of inspectors, FWOs and young people. As a consequence those involved have channelled the reform into a 'pseudo-activity' that fails to function as the government would have hoped.

Conclusion

On a national level the new modes of governance in youth justice do not have a singular nexus and it still remains the prime site of ambivalence and confusion that it always has been. At the local level the implementation of a new youth justice reform has revealed the ways in which those involved at the ground level have continued an enduring obedience to some traditional organisational values and also upheld a resistance to change working practices and 'sensibilities'. In this sense far from enhancing consistency in process and delivery, discretionary decision making at each stage of the reform together with competing organisational philosophies and practices has promoted a picture that is at least a challenge to both the government's agenda and the claims made by the Youth Justice Board regarding the impact of the FW. This sits neatly alongside research on FWs carried out at national and local levels (Holdaway and Desbrough 2004; Evans and Puech 2001; Hine and Celnick 2001; Jennings 2002) that support wide divergence in practice (Bateman 2003; Gillespie 2005; Dingwall and Koffman 2006), a limited response by young people (Hine 2007; Keightley-Smith 2007), and a lack of unity and cooperation between police officers and FWOs that calls into question the likelihood of identifying consistent and coherent patterns (Hughes and Edwards 2002) in pre court diversion.

CHAPTER NINE SUMMARY AND CONCLUSION

From a policy perspective the thesis has shown that explanations for the majority of policy changes with young people are best attributed to the influences of the political and ideological mood and the extent to which politicians respond to public anxieties (Pitts 2001) rather than a response to the messages from criminological research (Hood 1974). For that reason the movements in 'new' youth justice have not been a wholly scientific enterprise (Stenson and Cowell 1991). In the same vein that the history of youth justice has been infested with conflicting ideologies and discourses (Hester 2000:160 see Goldson 1999; Goldson and Chigwada-Bailey 1999; Worrell 1999) and tensions in policy and practice, the FW it appears has emerged from a youth justice system that appears no exception.

The study was based on interviews with police inspectors, FWOs and young people enhanced by observations of the settings within which FWs were delivered in a metropolitan city in northern England. The focus of the study was to explore the political and policy context in which the FW evolved and how the reform can be understood against the wider literature on youth justice and crime control, how it operated at the local level, the impact of working cultures on the delivery of the FW and the ways in which young people experienced it.

Key to New Labour's reform of youth justice was the competing approaches of managerialism, responsabilization and re-moralisation. In this sense notions of risk management and responsibility have taken precedence over previous accepted wisdoms

of welfare and justice. New approaches have been shaped by contemporary political discourses that have essentially been derived from, and legitimized by, toughness politics and a range of practical directions to micro manage professionals and adjust young offenders. New Labour's project has however created tensions that have been unveiled by the deep rooted organisational practices at the local level. This was seen in the ways in which FWOs resisted wholesale intervention to all, police inspectors failed to succumb to scientific guidelines and young people's failure to partake in intervention of their own volition.

From a critical framework far from enhancing consistency in process and delivery, discretionary decision making at each stage of the reform coupled with competing organisational philosophies and practices has given rise to an initiative that is at least a challenge to New Labour's agenda and the claims made by the YJB. The FW continued to highlight organisational and partnership tensions that were a feature of the previous FCS in Newcastle and despite the government's attempt to ensure FWs are a seamless approach to diversion, it operated here as a 'pantomime horse' with a clearly discernable front and back end. The consequences were that the police continued to work as a single agency that was made possible by dint of legislation that has allowed more powers to the police at the front end of the FW and FWOs continued to operate within their own occupational identity and the failure of effective dialogue between them and the police left sufficient ground for many young people to be ignored.

Despite the growing focus on young people's accountability for their actions it appears that FWs are not the best solution for promoting their conformity as young people were clearly unable to relate to the seriousness of their behavior in the same light as criminal

justice professionals. This strikes at the heart of the underlying ideology of new youth justice and the assumption that FWs provide effective opportunities for young people to turn their lives around. Overall this lent to a situation where in much of the old conclusions in the caution and youth justice literature remained alive that supports the broader headline of the thesis that in the new millennium things in Newcastle remained the same.

Within this context, youth justice initiatives need a wider understanding of those involved as opposed to evidence from studies that rely on ‘instruments’ to measure success (Bateman and Pitts 2005) as the dynamics between the participants in the FW is crucial to its performance. Importantly it is dependent upon the young person’s willingness to actively engage with intervention and it is therefore important to see them as active participants as well as a consumer of youth justice. This encourages a model of thinking that ‘treats young people as part of the solution, and not just part of the problem’ (Michael cited in Hester 1998:168).

From the findings three theses have been presented that can be contextualised as related conceptual axis. Firstly is a discussion of how governance has operated in Youth Justice and a policy orientated discussion of crime control with young people in the new millennium. Secondly, is a micro critical account of the ways in which a New Labour reform was understood and ‘played out’ at the local level during its early inception. Thirdly is an understanding of young people’s experiences as decision makers within the criminal justice system and practitioner’s experiences of the challenges of a new reform. Police inspectors, FWOs and young offenders can be seen as representing three different

‘agencies’ as the dynamics between them were central to the understanding of, and what characterised the FW in the study area. In this way the thesis has progressed from focusing upon the process and mechanisms of a local multi-agency crime reduction initiative into a theoretical explanation of the FW in the north of England.

Although limited in its scope and application as a consequence of being undertaken during the early stages of the development of the FW in one YOT area only, the findings are significant as a consequence of their qualitative richness and they are still applicable today. To date FWs remain under resourced in Newcastle and in other areas, the target of 85 per cent of FWs receiving intervention as yet to be met and there is no judicial review of FWs, no direct lines of police accountability and no means of redress through the court. Indeed some forces now operate an interim FW to allow for more pre court decision making (Evans 2008). When taking on board the potential for the FW to be operated without any commitment by those involved to alter their mindset, this calls into question its legitimacy and validity in turning young people’s lives around in a cost effective way.

Further Research and Policy Reforms Identified from the Study

The thesis has identified the need to engage in detailed critical qualitative research on the FW and particularly on the perceptions, actions and philosophies of those engaged in its delivery, and its ability to enhance responsibility amongst young people and practitioners. Historically policies that have been launched at young people reflect that regardless of whatever perspective of justice or welfare, or care or control, adults have dictated what is

in the best interests of the child (Brown 2005). In the case of FWs things are no different. The reform has been orchestrated without consultation or research into how young offenders experience and understand these processes (Folkes 2000; Hazel et al 2002) and how they make decisions as 'moral agents' within a criminal justice framework (Hine 2004; Sparks et al 2001). What is clear in this study is that individual young people react differently when in similar circumstances and this reaction is 'not fixed, clear or predictable' (MacDonald and Marsh 2001:383). This requires wider critical debate about those directly involved in FW service delivery. In doing so there is an urgent need to place young people at centre stage of research on FWs in order to explore with them the impact of the reform and to understand the appropriate conditions for young people's participation. Research into some of the dilemmas, paradoxes and contradictions that are implicit in the politics of young people's participation raises further questions for research such as 'what are the implications of young people's right to contribute in decision making for criminal justice?'

There is a long history of resistance to partnership working between police and social workers in Newcastle. The benefits of professional training in multi-agency working to develop a more harmonized and consistent approach to diversion is critical that could include the engagement of professionals in a process of change, adaptation and dialogue with each other. FWOs could be involved in the decision making process at the front end of the procedure as working alongside the police to identify risk factors and the likelihood of reoffending may in turn help minimise inconsistencies in police decision making, correct the balance of a police monopoly of the FW procedure and generate a fairer procedure for young people.

The FW has the potential to bring young people into the formal youth justice arena whilst at the same time continuing to be delivered inconsistently and without due regard to legal processes and the promotion of desistence through intervention and support. If the FW is to succeed as a worthy initiative for young people to turn their lives around and one that they feel free to willingly participate in, requires that young people are partners in developing programmes of intervention (Pitts and Porteous 2005). Those looking towards engaging with young people (see Shildrick and MacDonald 2006) to make responsible decisions in their lives require criminal justice policy initiatives that require 'doing' rather than mere information giving as young people are more likely to respond to issues that have relevance to their lives. It is only by doing so that the FW can move from being just another youth justice intervention fraught with contradictions to one that promotes and values young people as the future of tomorrow consistently and appropriately.

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